SENATE—*Friday, September 18, 1998*

The Senate met at 8:30 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, our source of spiritual, intellectual, and physical strength, You have replenished our wells of energy and given us a fresh new day in which we have the privilege of serving You.

Lord, grant the Senators more than the courage of their convictions. Rather, give them convictions that arise from Your gift of courage. May this indomitable courage be rooted in profound times of listening to You that result in a relentless commitment to truth that is expressed in convictions that cannot be compromised.

We trust You to guide them so that all they say and decide is in keeping with Your will. We ask for Your wisdom in the crucial matter to be voted on today. Lord, take command of their minds and their thinking, speak Your truth through their speaking and then give them clarity for hard choices. In the name of our Lord and Saviour. Amen

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCAIN. Mr. President, for the information of all Members, this morning the Senate will begin 1 hour of debate on the veto message to accompany the partial-birth abortion ban legislation. Upon the conclusion of debate time, at approximately 9:30 a.m., the Senate will vote on the question of passing the bill, the objections of the President to the contrary notwithstanding. Following that vote, the Senate may turn to the consideration of any legislative or executive items cleared for action. The leader would like to remind all Members that there will be no rollcall votes on Monday in observance of the Jewish holiday, Rosh Hashanah. Also, Members should be aware that a rollcall vote has been scheduled for Tuesday, September 22, at 2:20 p.m., on the Kennedy minimum wage amendment.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the Senate will now resume consideration of the veto message on H.R. 1122, which the clerk will report.

The legislative clerk read as follows:

Veto message on H.R. 1122, to amend title 18, to ban partial-birth abortions.

The Senate resumed reconsideration of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come to the Senate floor today to speak on behalf of millions of defenseless unborn children who cannot speak for themselves. If they could speak, I know that they would ask for a chance to live. Tragically, too many unborn children are not given a choice and they lose their chance at life to abortion.

We are not here today to debate the legality of abortion. We are here to discuss ending partial-birth abortion—a particularly gruesome procedure that would be outlawed today but for the President's veto last year of a national ban.

Banning partial-birth abortions goes far beyond traditional pro-life or pro-choice views. No matter what your personal opinion regarding the legalization of abortion, we should all be appalled and outraged by the practice of partial-birth abortions. This procedure is inhumane and extremely brutal, entailing the partial delivery of a healthy baby who is then killed by having its vibrant brain stabbed and suctioned out of the skull.

This is simply barbaric.

I have heard from thousands of people in my home State of Arizona who are outraged that this brutal procedure is permitted. Many of them have differing views regarding the legalization of abortion, but they all concur that partial-birth abortions are particularly cruel and must be stopped.

Arizonans were recently reminded about the devastating effects for unborn children of partial-birth abortions. On June 30 of this year, a physician in Phoenix attempted to perform a partial-birth abortion. Dr. John Biskind of the A–Z Women's Center was aborting what he believed was a 23-week-old baby.

After beginning the procedure, Dr. Biskind realized that the child was actually a 37-week, 6-pound baby girl. He immediately stopped the abortion procedure and delivered the baby girl. She suffered a fractured skull and facial lacerations, but thankfully is now recovering with a loving family who adopted her.

This deplorable incident should never have occurred. It could have been prevented, sparing this little girl, now known as Baby Phoenix, the physical and emotional trauma of nearly being killed at birth.

If a national ban on partial-birth abortion had been the law, this Arizona doctor would not have been performing such a horrific procedure on a viable 23-week-old baby—let alone 37-week-old Baby Phoenix.

Clearly, this near-tragedy illustrates the urgent need for a ban on partial-birth abortions in our Nation. We simply cannot allow this heinous procedure to continue taking the lives of viable, healthy babies.

Some would argue that abortion, including partial-birth abortion, is a matter of choice—a woman's choice. Respectfully, I must disagree.

What about the choice of the unborn baby? Why does a defenseless, innocent child not have a choice in their own destiny?

Some may answer that the unborn baby is merely a fetus and is not a baby until he or she leaves the mother's womb. Again, I disagree, particularly, in the case of infants who are killed by partial-birth abortions.

Most partial-birth abortions occur on babies who are between 20 and 24 weeks old. Viability, "the capacity for meaningful life outside the womb, albeit with artificial aid" as defined by the United States Supreme Court, is considered by the medical community to begin at 20 weeks for an unborn baby. Most, if not all, of the babies who are aborted by the partial-birth procedure could be delivered and live. Instead, they are partially delivered and then murdered. These children are never given a choice or a chance to live.

Today, we have to make a choice. We can choose to protect our Nation's most valuable resource—our children. We can choose to give a tomorrow full of endless possibilities to unborn children throughout our Nation. We can choose to save thousands from being murdered at the hands of abortionists.

Or we can choose to allow this barbaric procedure to continue, permitting doctors to kill more innocent, unborn children.

We each have a choice, a choice which unborn children are denied. We must make the right choice when we vote today, the choice to save thousands of unborn children by banning partial-birth abortions in this country.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I thank the Senator from Arizona for his terrific statement.

● 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

I suggest the absence of a quorum and ask unanimous consent that the time be taken off the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be given 2 minutes off the time of the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have been listening, as I have in years past, to the debate, to the eloquence of those dedicated individuals who feel so strongly about this issue, particularly the leadership of the Senator from Pennsylvania and the things he has said, the things he has stood for, and the Senator from New Hampshire, Senator SMITH, and then Dr. FRIST.

I hope people heard what Dr. FRIST said because he really is the only one who truly is a professional, who truly understands what this is all about, who can articulate the pain that a small baby during the birth process feels when he is put to death in the very cruel way that this takes place.

As he described that procedure—the procedure of going under the cranium with scissors and opening it up with no anesthesia and the baby feeling that pain—something occurred to me: that those individuals who want to keep that procedure alive and keep it legal are the same ones who, if you did that to a dog, would be picketing your office.

I think somehow we have developed, in a perverted way, into a society, many of whom put a greater value on the lives of critters than on human life. I hope we change that today. I yield the floor.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time run off the time of the opposition.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent to speak and have my time allocated to the opposition.

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

Mr. DEWINE. Mr. President, in approximately 40 minutes, this Senate is going to cast a historic vote. We are going to have the opportunity to, again, define who we are as a people.

I urge my colleagues, as I have in the past, to vote to override the President's veto. I ask unanimous consent that a letter which I have be printed into the RECORD. This is a letter dated May 8, 1997. This is a letter that is signed by a number of law professors.

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

DEAR SENATOR: We write to you as law professors in support of the Partial-Birth Abortion Ban Act, S.6. We do not write as partisans. We are both Democrats and Republicans, and we are of different minds on various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.

We have learned that some Senators are concerned about claims that a ban on second trimester partial-birth abortions, or a ban on third trimester procedures without a "health" exception, would be unconstitutional under *Roe* v. *Wade* and later abortion decisions.

The destruction of human beings who are partially born is, in our judgment, entirely outside the legal framework established in *Roe* v. *Wade* and *Planned Parenthood* v. *Casey*. No Supreme Court decision, including these, ever addressed the constitutionality of forbidding the killing of partially born children. In fact, *Roe* noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade—and still forbids—killing a child in the process of delivery.[1]

Even should a court in the future decide that a law banning the partial-birth procedures is to be evaluated within the *Roe/Casey* "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skull. Before viability, an abortion restriction is unconstitutional only if it creates an "undue burden" on the judicially established right to have an abortion. A targeted ban of a single, maternal-health-endangering procedure cannot constitute such a burden.

To the extent of its constitutionally delegated authority, Congress may also ban all forms of abortion after viability, subject to the health and life interests of the mother. Under the most recent Supreme Court decision concerning abortion, *Planned Parenthood* v. *Casey*, there is no reason to assume that the Supreme Court would interpret a post-viability health exception to require the government to tolerate a procedure which gives zero weight to the life of a partially-born child and which itself poses severe maternal health risks. Furthermore, according to published medical testimony, including that of former Surgeon General C. Everett Koop: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility." Even the American College of Obstetricians and Gynecologists—which opposes the bill—acknowledges that partial-birth abortion is never the "only option to save the life or preserve the health of the woman." Banning this procedure does not compromise a mother's health interests. It protects those interests.

In short, while individuals may have ideological or political reasons to oppose banning the partial-birth procedure, those objections should not, in good conscience, be disguised as legal or constitutional in nature.

Respectfully submitted,

Rev. Robert J. Araujo, S.J., Gonzaga Law School; Thomas F. Bergin, University of Virginia School of Law; G. Robert Blakey, University of Notre Dame Law School; Gerard V. Bradley, University of Notre Dame Law School; Jay Bybee, Louisiana State University Law Center; Steven Calabresi, Northwestern University School of Law; Paolo G. Carozza, University of Notre Dame Law School; Carol Chase, Pepperdine University School of Law; Robert Cochran, Pepperdine University School of Law; Teresa Collett, South Texas College of Law; John E. Coons, University of California, Berkeley; Byron Cooper, Associate Dean, University of Detroit Mercy School of Law; Richard Cupp, Pepperdine University School of Law; Joseph Daoust, S.J., University of Detroit Mercy School of Law; Paul R. Dean, Georgetown University Law Center; Robert A. Destro, The Catholic University of America; and David K. DeWolf, Gonzaga Law School.

Bernard Dobranski, Dean, The Catholic University of America; Joseph Falvey, Jr., Assistant Dean, University of Detroit Mercy School of Law; Lois Fielding, University of Detroit Mercy School of Law; David Forte, Cleveland-Marshall College of Law, Cleveland State University; Steven P. Frankino, Dean, Villanova University School of Law; Edward McGlynn Gaffney, Jr., Dean, Valparaiso University School of Law; George E. Garvey, Associate Dean, The Catholic University of America; John H. Garvey, University of Notre Dame Law School; Mary Ann Glendon, Harvard University Law School; James Gordley, University of California, Berkeley; Richard Alan Gordon, Georgetown University Law Center; Alan Gunn, University of Notre Dame Law School; Jimmy Gurule, University of Notre Dame Law School; Jacqueline Nolan-Haley, Fordham University School of Law; Laura Hirschfeld, University of Detroit Mercy School of Law; and Harry Hutchison, University of Detroit Mercy School of Law.

Phillip E. Johnson, University of California, Berkeley; Patrick Keenan, University of Detroit Mercy School of Law; William K. Kelley, University of Notre Dame Law School; Douglas W. Kmiec, University of Notre Dame Law School; David Thomas Link, Dean, University of Notre Dame Law School; Leon Lysaght, University of Detroit Mercy School of Law; Raymond B. Marcin, The Catholic University of America; Michael W. McConnell, University of Utah College of Law; Mollie Murphy, University of Detroit Mercy School of Law; Richard Myers, University of Detroit Mercy School of Law; Charles Nelson, Pepperdine University School of Law; Leonard J. Nelson, Associate

[1] 410 U.S. 113, fn. 1 (1973), citing Art. 1195, of Title 15, Chapter 9. (Presently, this law is codified at Vernon's Ann. Texas Civ. St. Art. 4512.5.) A similar ban remains in effect in Louisiana (L.A. Revised Statutes 14.87.1). The Texas and Louisiana statutes are also consistent with existing case law in California. See *People* v. *Chavez*, 77 Cal. App. 2d 621 (1947) ("It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed."); accord *Keeler* v. *Superior Court*, 2 Cal. 3d 619 (1970).

Dean, Cumberland School of Law, Samford University; Michael F. Noone, The Catholic University of America; Gregory Ogden, Pepperdine University School of Law; John J. Potts, Valparaiso University School of Law; Stephen Presser, Northwestern University School of Law; and Charles E. Rice, University of Notre Dame Law School.

Robert E. Rodes, Jr., University of Notre Dame Law School; Victor Rosenblum, Northwestern University School of Law; Stephen Safranek, University of Detroit Mercy School of Law; Mark Scarberry, Pepperdine University School of Law; Elizabeth R. Schiltz, University of Notre Dame Law School; Patrick J. Schiltz, University of Notre Dame Law School; Thomas L. Shaffer, University of Notre Dame Law School; Michael E. Smith, University of California, Berkeley; David Smolin, Cumberland School of Law, Samford University; Richard Stith, Valparaiso University School of Law; William J. Wagner, The Catholic University of America; Lynn D. Wardle, Brigham Young University; and Fr. Reginald Whitt, O.P., University of Notre Dame School of Law.

Mr. DEWINE. Mr. President, this letter addresses a lot of the concerns that were expressed on the floor yesterday about the constitutionality of this piece of legislation. I call Members' attention to portions of this letter. They will have an opportunity to, of course, read the entire letter. This is what, in part, the letter says:

We write to you as law professors in support of the Partial-Birth Abortion Ban. . . . We do not write as partisans. We are both Democrats and Republicans, and we are of different minds on various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.

The destruction of human beings who are partially born is, in our judgment, entirely outside the legal framework established in Roe v. Wade and Planned Parenthood v. Casey. No Supreme Court decision, including these, ever addressed the constitutionality of forbidding the killing of partially born children. In fact, Roe noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade —and still forbids—killing a child in the process of delivery.

Even should a court in the future decide a law banning the partial-birth procedure is to be evaluated within the Roe/Casey "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skull. Before viability, an abortion restriction is unconstitutional only if it creates an "undue burden" on the judicially established right to have an abortion. A targeted ban of single, maternal-health-endangering procedure cannot constitute such a burden.

The letter goes on to quote C. Everett Koop, who has been quoted on this floor before on this issue.

Partial-birth abortion is never medically necessary to protect the mother's health or future fertility. On the contrary, this procedure could impose a significant threat to both her immediate health and future fertility.

It is abundantly clear that this law is constitutional. I again ask my colleagues to vote in favor of the override.

I first had the opportunity to listen to this debate several years ago when a nurse from my home State of Ohio, nurse Brenda Shafer, testified before the Senate Judiciary Committee. She is the first person, really, to draw public attention to this procedure. She was pro-choice. She was called in on a temporary basis to go to Dr. Haskell's abortion clinic in Dayton, OH. What she saw and what she described, I think, has shocked the Nation. This pro-choice nurse became a person adamantly opposed to partial-birth abortion. She described it in detail, as has been described on this floor many, many times. It is something that no civilized society should tolerate.

This vote that we are going to cast in a moment is about who we are as a people, what we tolerate, and what we do not tolerate. It is time for this country, for the Senate, and this Congress, to say this barbaric procedure we simply will no longer tolerate.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes from our time to the champion and initial author of this bill in the Senate, Senator BOB SMITH of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague, Senator SANTORUM, for his leadership on this issue.

I pick up on what Senator DEWINE just said about Nurse Shafer. Thirteen years she worked in an abortion clinic. She testified before the Judiciary Committee, and I think it might be interesting to read her statement about what she saw, word for word. I don't think anybody has done that. Listen to Nurse Shafer, who witnessed this partial-birth abortion.

I stood at the doctor's side and I watched him perform a partial-birth abortion on a woman who was 6 months pregnant. The baby's heart beat was clearly visible on the ultrasound screen. The doctor delivered the baby's legs and arms. Everything but his little head. The baby's body was moving. His little fingers were clasped together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arms jerked out in a flinch, a startled reaction like a baby does when he thinks that he might fall. Then the doctor opened the scissors up. Then he stuck a high-powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic, but I'm still haunted by the face of that little boy. It was the most perfect angelic face I have ever seen.

My colleagues, if we continue to tolerate this, somehow, some way, some day, we are going to be judged. This is wrong. This is immoral. When we see and hear the things that are going on in our country today and read and hear the polls, maybe we shouldn't be surprised. This is the standard that we set for our children? What a disgraceful thing to do, not to override this veto.

The President's own Southern Baptist religion, past and current president of the Southern Baptist Convention, wrote a letter to the President of the United States pleading with him to change his position, telling him why they believe he was wrong, that there is no medical reason to improve the health or to save the life of the mother. There is no medical reason to perform this—180 doctors in a letter I referred to yesterday on the floor said so; 4 doctor at a press conference yesterday said so; so did Dr. Koop, one of the most respected people ever to serve in government, former Surgeon General.

Yet here we are. This is a terrible thing. I just hope and pray that my colleagues in the next hour or the next half hour will see the light, if you will, and change their position so we can win this vote.

Mr. SANTORUM. I thank the Senator from New Hampshire and thank him for his tremendous leadership on this issue.

I yield 10 minutes to the Senator from Indiana, who is leaving this Chamber after many years of distinguished service. He has been the champion here for life, Senator COATS from Indiana.

Mr. COATS. Mr. President, let me first say thanks to my colleagues from Pennsylvania, New Hampshire and Ohio, and others who have so persuasively and so relentlessly pursued the truth of this issue and brought us to this point where we have to have an honest, open debate and a vote about where we stand on what I believe is the most important issue facing America.

We do have fundamental disagreement over the subject of abortion. Strong convictions have often led to strident rhetoric. Sometimes labels and name-calling are too easily substituted for persuasion. Education is a means of winning the hearts and minds of our fellow citizens. "Extremism" and "fanaticism" have been labels that have been used and attached to those with deeply held beliefs.

Yet as civil as our discourse needs to be, sometimes there are issues that are of such weight and such gravity that strong rhetoric is necessary, when the truth—raw and exposed—merits passion and rhetoric. This is such a case. There really is only one issue at stake here. That issue is that what we are confronting is an affront to humanity. It is an affront to justice to end the life of a kicking infant as it emerges from its mother's womb. That is at issue here. The legislation that the President has vetoed is not the expression of extremism. The expression of extremism is the procedure we are debating—extreme in its violence and disregard for human life and dignity. We have heard a description of that. I was

going to give that, but I will defer on the description because it has been given by my colleague from New Hampshire. The opposition has used arguments to defend this procedure that I believe are evasive and misrepresent the truth.

It is said that the procedure is rare and, therefore, we ought not to be discussing it. Despite the fact that the procedure is not rare and affects thousands of individuals—children—would we be passing on the debate, the fundamental issue of life itself, if we were talking about the Holocaust because somebody was saying we are not talking about very many people? It is just a few hundred or a few thousand. Does that make the debate or issue any different?

The issue is not whether it is rare; the issue is, as a matter of undeniable, unalienable human rights, it should not only be rare, this procedure should be nonexistent.

It is said that the child feels nothing. We now know that the child feels pain, that a mother's anesthesia does not eliminate her child's pain. We know that a child killed in this procedure feels exactly what a preemie would feel if a doctor performed a similar procedure in the nursery.

It is said that the procedure is done to save the life of the mother. We know that is not true. We also know that this procedure has significant risks for the mother. In fact, the primary purpose of this procedure is for the convenience of the abortionist.

It is said that the partial-birth abortion is part of the mainstream of medicine. But we know that the AMA Council on Legislation stated that this practice is not a "recognized medical technique," and that this "procedure is basically repulsive." Those are not the words of this Senator. Those are not the words of those of us in the political arena. Those are the words of the AMA Council.

So when we strip away all the arguments, we are left with an uncomfortable truth: This procedure is not the practice of medicine; it is an act of violence, an almost unspeakable act of violence—the taking of an innocent life, a life fully capable of being self-sustaining.

Mr. President, it is hard to clearly confront the reality of this matter because clarity requires such anguish. But that reality is simple and terrible. The reality is that the death of a child should haunt us and shame us as a society. It should cause us to grieve. But more than that, it should cause us to turn our backs on this practice, as my colleague from New York has said, which borders on infanticide, and which I believe is infanticide.

It is hard for me to believe that such a statement, such a debate, should be necessary. It is hard for me to understand how a moral commitment so basic could ever be debated on the floor of the U.S. Senate. Has our compassion grown so selective? Has our moral sense grown so dull? Have our hearts grown so hard?

This is not just another skirmish in the running debate between left and right. It raises the most basic of questions asked in any democracy: Who is my neighbor? Who is my brother? Who do I define as inferior and cast beyond sympathy and protection? Who do I embrace and value, in both law and love?

This is not a matter of ideology; it is a matter of humanity. This is not just a matter of our Nation's politics; it is a matter of our Nation's soul. It is a matter of how we will be judged as a nation, not only by history, but by Almighty God.

We have disagreed in this body in matters of social policy. Yet, surely, we can come together and agree on this one thing—that an unborn child should not be subjected to violence and death. I believe personally that that protection should be applied and extended to all of the unborn. That is a debate that we must have, but that is not the debate today. The debate today is over this particular procedure. At the very least, regardless of our view and position of how far this ought to extend, to all of humanity and all of creation, can we not at least today reject the extinction of a child's life just seconds before it is born and fully leaves the womb? Can we not at least refuse to cross this line?

Mr. President, the vote today is an opportunity for us to take a different path. It is an opportunity for Republicans and Democrats, liberals and conservatives, and it is an opportunity even for those who support abortion and take the pro-choice position, to override the President's veto. We can begin today to define some common ground. We can begin today by saying every child in America will be embraced by our community, that no one is expendable, no one will be turned away. We can begin today to define a basic value, a basic common ground, because if we pass this legislation over the President's objection, it will mean that we will, once again, in this great experiment in democracy, extend the circle of protection and expand it one more time. This is the test of a just civilization, and this is the standard by which we, individually and as a nation, will be tested as well.

If we defeat this measure, we will say something about this great American experiment and the limits that we place on its promise. Our founders raised the standard for the ages that all men are created equal and endowed by their Creator with certain unalienable rights. It is true that the laws they lived by, even the Constitution they wrote, stood in tension with that transcendent ideal. But the standard remained and has sustained the hopes of the weak throughout the history of this country.

The history of our Nation is a story of how the hopes of the weak have been advanced, our progress toward the ideals of the declaration has been bought with blood, demanded with eloquence, and written into our law in some historic debates in this Chamber and elsewhere.

Mr. President, one by one, the powerless have been embraced and the American family has been extended—to African Americans, women, the disabled. Each have redeemed a promissory note, given at our founding. Each victory of compassion and justice has been a landmark of liberty. Over time, justice has prevailed.

Abraham Lincoln wrote of our founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to his creatures. . . . In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children, and the countless myriads who would inhabit the Earth in other ages.

Does that beacon still shine throughout the world? Does the light of that path of nations, where freedom is new, shine? And what is the example that we set?

It is my deepest concern, my nightmare fear that we will extinguish that light, that we will halt the progress of America's promise, and we will cast one class of the powerless into the darkness beyond our protection.

Lincoln talked of America as a nation dedicated to a proposition embodied in the declaration, but can the weakest member of the human family find a humble share in the promise of our founding? Will we say, after centuries of struggle, that the gate of mercy is now slammed shut, locked and the key thrown away?

These are the questions that put the American experiment to the test. Let us affirm the words of the Great Emancipator that nothing, nothing stamped with a divine image and likeness is denied the right to participate in this noble experiment called democracy. Let us not fail in this test that is now put before us.

Mr. President, it appears my time has expired. I thank, again, the Senator from Pennsylvania for his outstanding leadership on this issue.

Mr. SANTORUM. I thank the Senator from Indiana.

Mr. LEVIN. Mr. President, I will vote to sustain the President's veto.

The American College of Obstetricians and Gynecologists has continually expressed deep concern about legislation prohibiting the intact D&X

procedure, which is the technical name for the late term birth abortion procedure. They have urged congress not to pass legislation criminalizing this procedure and not to supersede the medical judgment of trained physicians. They have stated, "The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous."

The Supreme Court has ruled that a ban on all abortions after viability is permitted under the Constitution providing the ban contains an exception to protect the life and health of the woman.

The bill vetoed by the President does not meet that test because the exception it provides for does not include language relative to a woman's health.

Principally for both those reasons, I voted against this legislation and I continue to oppose it. Instead, I support an alternative which would ban all post-viability abortions, regardless of the procedure used, except in cases where it is necessary to protect a woman's life or health.

Mr. HATCH. Mr. President, we have all heard the shocking accounts of teenaged girls giving birth and then dumping their newborns into trash cans. One young woman from Delaware gave birth in a bathroom stall during her prom, and then proceeded to strangle and suffocate her child, leaving his body in the garbage. Cases in Maryland and Arkansas tell similar stories.

Criminal charges were recently brought against a young woman in my home state of Utah for secretly giving birth in her parent's Salt Lake City home and then leaving the baby to die in a drawer.

As I read these accounts, I find myself wondering about the blurry line which exists between late-term abortions and infanticide. William Raspberry argued in a July 13, 1998, column in the Washington Post: a "short distance [exists] between what [these teenagers] have been sentenced for doing and what doctors get paid to do."

Few people would dispute that such incidents constitute murder. Any cruelty or intentional harm inflicted on a defenseless child causes anger to rise in all of us, particularly when a variety of services exist to assist the parents with their responsibilities—or even, through foster care or adoption, to relieve them entirely.

I have sympathy for any young woman who contemplates an abortion. Surely this is a difficult decision to make. The circumstances that drive a woman to it must certainly be complex and appear to her to be insoluble.

But, the late-term partial birth abortion is not an ordinary abortion. It is not contemplated in the Roe v. Wade decision.

That is why even pro-choice members of Congress were compelled to support this legislation. It is incomprehensible that any reasonable person could examine the evidence and continue to defend it.

This procedure involves the partial delivery, in the late second or third trimester of pregnancy, of an intact fetus into the birth canal. The fetus is delivered from its feet through its shoulders, so that only its head remains in the uterus. Then, either scissors or another instrument is used to poke a hole in the base of the skull where a suction catheter is inserted to extract the baby's brain.

If you are sickened and pained by that description as you listen to it—just as I am each time I read it—imagine what it must be like for the child who must experience it. This procedure is not done on a mass of tissue. It is performed on a living baby capable of feeling pain and, at the time this procedure is typically performed, capable of living outside of the womb with appropriate medical attention.

So, then, I agree with William Raspberry and our colleague Senator MOYNIHAN. The line between infanticide and partial birth abortion is very blurry indeed.

Let me set out for the Senate one more time exactly what this bill does and does not do. This bill does not ban all abortions after a certain week of pregnancy. It does not dictate the circumstances under which late-term abortions would be permitted. H.R. 1122 bans this one, specific, abhorrent procedure.

Opponents of this bill argue that partial-birth abortions are performed to preserve the health and life of the mother. This point of view, however, is based on false claims by advocacy groups and not on the facts. Such claims are a futile attempt at making this procedure appear less barbaric and thus more palatable to the American people.

I think Americans deserve to hear the facts. They need to know the truth about a procedure which our esteemed colleague from New York, Senator MOYNIHAN, has accurately described as "close to infanticide."

The former U.S. Surgeon General, C. Everett Koop, described his opposition to the partial-birth abortion procedure in an interview with the American Medical News, which was published in its August 19, 1996 issue. Dr. Koop stated:

> . . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial-birth abortion.

Dr. Daniel H. Johnson, President of the American Medical Association, asserted the AMA's position on the issue in the May 26, 1997, edition of the New York Times. Dr. Johnson stated:

> [T]he partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortion method.

Often the health of the woman is not even under consideration. Dr. Martin Haskell, one of a hand full of doctors who perform this procedure, admitted in testimony given under oath in Federal district court in Ohio that he performs the procedure on second trimester patients for "some medical" and "some not so medical" reasons.

The record in support of this legislation is long. In November 1995, I presided over a 6½-hour Senate Judiciary Committee hearing on the issue. At the March 1997 Senate-House joint hearing, we heard from 10 witnesses, including representatives of the major organizations on both sides of this issue and a medical doctor who specializes in maternal-fetal medicine. As testimony from the hearings demonstrated, this procedure is not performed primarily to save the life of the mother or to protect her from serious health consequences. Instead, the evidence shows that this procedure is often performed in the late second and early trimesters for purely elective reasons.

I acknowledge that there may have been rare cases where this awful procedure was performed and where there was a possibility of serious, adverse health consequences for the mother.

However, even in those cases, a number of other procedures could have been performed. In fact, other procedures would have been performed had the mothers gone to any doctor other than one of the handful of doctors who perform these awful partial-birth abortions.

I understand that many people on both sides of the abortion issue have very strongly held beliefs. I respect those whose views differ from my own. And I condemn, as I know every other Member of this body does, the use of violence or any other illegal method to express any point of view on this issue.

It is critical to remember, however, that this bill is not about the right of a woman to choose an abortion. That is a debate for another day. The only bill we are voting on today is H.R. 1122, a bill that seeks to make a particularly gruesome, and I believe inhumane, abortion procedure illegal.

I would like to express my appreciation to Senator SANTORUM for his leadership on this issue and join him in urging our colleagues to support this bill and override the President's veto.

Ms. SNOWE. Mr. President, I rise in opposition to this attempt to override the President's veto of H.R. 1122, the so-called "Partial Birth" Abortion Ban Act of 1997.

Mr. President, let it be clear that this legislation puts women's lives and health on the line. If we vote today to override the President's veto we will

bear the burden of putting women's lives and health at risk by substituting the judgement of politicians for the judgement of medical doctors. And that just isn't right.

Twenty-two years ago, the Supreme Court issued a landmark decision in Roe versus Wade that held that women have a constitutional right to an abortion, but after viability, states could ban abortions—as long as they allowed exceptions for cases in which a woman's life or health is endangered.

H.R. 1122 is in direct violation of the Court's ruling. It contains no exception for the health of the mother, and therefore represents a direct, frontal assault not only on Roe, but on the health and reproductive rights of women everywhere.

It should be no surprise, then, that similar efforts around the country to ban the so-called "partial birth" abortion procedure have not stood up to constitutional muster.

In fact, legal challenges have been mounted in 20 of the 28 states that have passed these laws. Nineteen out of twenty states have had their laws enjoined or severely limited. Seventeen courts have issued temporary or permanent injunctions stopping laws from taking effect. And one attorney general has limited enforcement of the law.

And I want to be just as clear that innocent women will suffer if we vote to override the President's veto. It is not simply the Constitution which demands a health exception be included in any such legislation—it is compassion for the lives of our nation's women.

There is no question that any abortion is an emotional, wrenching decision for a woman. No one would debate this. And when a woman must confront this decision during the later stages of a pregnancy because she knows that the pregnancy presents a direct threat to her own life or health, the ramifications of such a decision multiply dramatically.

So, too, is it beyond debate that all of us want to see the instances of abortions reduced in America. Unfortunately, contrary to what proponents of this legislation believe, H.R. 1122 will not bring us closer to this goal. In contrast, it will force women and physicians to choose another, less safe and potentially life threatening procedure. Is that what we really want? To put women's lives and health at risk?

Because that is exactly what H.R. 1122 will do. It will put women at unacceptable risk, while in turn doing absolutely nothing to lower the number of abortions in this country.

I suggest that there is a better way. I suggest we are not stuck with an all-or-nothing approach, even on this most contentious of issues.

That is why last year, I supported an amendment which would have decreased the number of abortions in this country without putting the lives and health of women on the line.

This substitute would have ensured that no abortion will take place after viability unless it is absolutely necessary to avoid grieve physical injury to a woman, while protecting women's lives and health. And most of all, unlike the underlying bill, it would have reduced the number of abortions in this country.

Critics of this proposal, unfortunately, believed that this language contains a loophole because it leaves it to the doctor to determine when the fetus is viable.

I find this viewpoint curious on two fronts. First, it begs the question, why did H.R. 1122 proponents trust doctors to determine when an abortion is necessary to protect a woman's life, when they do not trust doctors to determine when a woman faces a grievous health risk or when the fetus is viable?

And second, who is in a better position than doctors to determine when the fetus is viable? Are opponents honestly suggesting the federal government has the answer to that question?

The Supreme Court has said in Planned Parenthood versus Danforth, and I quote "the time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable, is, and must be, a matter for the judgment of the responsible attending physician."

It comes down to who should be making these decision. Will it be politicians, whose extent of medical knowledge may be little more than what they see on "E.R."? Or will it be physicians, who live "E.R."?

The substitute language we championed would have required that a doctor certify that a post-viability abortion is necessary to protect a woman from grievous injury. Any doctor who violated this requirement would not only have faced still civil penalties, but will risk having his or her medical license revoked.

Curiously, H.R. 1122 does not require a doctor to certify that this procedure is necessary to protect a woman's life. For this reason, it appears far easier for a doctor to falsify information under the underlying bill, because there is no certification requirement.

Mr. President, what the vast majority of American people really want from their leaders on this issue is an answer to the problem of late term abortions, not a ban one procedure which will only force women to and doctors to choose other less safe procedures.

Because, despite the terrible conflict over H.R. 1122, there is one area where almost all Americans agree: That no viable fetus should be aborted—by any methods—unless it is absolutely necessary to protect the life or health of the mother.

By coming together on this issue, we can bridge the chasm that has developed in this debate. And despite the fact that the substitute amendment failed in this body last year, I still strongly believe this is the right course to take.

Forty-one States, including my home State of Maine, already ban post-viability abortions. We need to ensure that healthy pregnancies are never terminated after a fetus is viable, regardless of the procedure used. We also need to ensure that any such measure is in keeping with the Constitution and the best interests of the life and health of women.

These are not mutually exclusive goals. This is not a gulf that can never be crossed. And this is an issue that is not going to go away.

That is why we are coming back this year, and renewing our effort to ban all abortions after viability. On Wednesday, Senator DURBIN and I, along with Senators COLLINS, MIKULSKI, LANDRIEU, LIEBERMAN, GRAHAM, and TORRICELLI introduced a bipartisan measure, the Late-Term Abortion Limitation Act, because we believe this can and will solve the problem of late term abortions.

While the Durbin-Snowe legislation is similar to last year's substitute, it states that, prior to an abortion, both the performing physician and an independent physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. With the opinion required from another doctor, this will ensure that the abortion was absolutely medically necessary.

And finally, let me be clear that the health exception for "grievous physical injury" could only be invoked under two circumstances.

The first involves those heart-wrenching cases where a wanted pregnancy seriously threatens the health of the mother. The Durbin-Snowe language would allow a doctor in these tragic cases to perform an abortion because he or she believes it is critical to preserving the health of a woman facing: Peripartal cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy, which can result in death or untreatable heart disease; preeclampsia, or high blood pressure which is caused by a pregnancy, which can result in kidney failure, stroke, or death; and uterine ruptures which could result in infertility.

Second, the language also applies when a woman has a life-threatening condition which requires life-saving treatment. It applies to those tragic cases, for example, when a woman needs chemotherapy when pregnancy, so the families face the terrible choice of continuing the pregnancy or providing life-saving treatment. These

conditions include: Breast cancer; lymphoma, which has a 50 percent mortality rate if untreated; and primary pulmonary hypertension, which has a 50 percent maternal mortality rate.

Now, I ask my colleagues, who could seriously object under these circumstances?

In closing, Mr. President, let me restate that this is not a problem without a solution. The Durbin-Snowe language very clearly provides this body with an alternative that will not only ensure that healthy pregnancies will never be terminated after a fetus is viable; not only reduce the number of abortions in this Nation; not only put medical decisions in the hands of medical doctors; but will be in keeping with the requirements of the United States Constitution and our responsibility to America's women.

That is why I urge my colleagues to vote to sustain the President's veto, and I hope we can coalesce around support for the Durbin-Snowe bill.

Mr. KENNEDY. Mr. President, I oppose this legislation, and I urge the Senate to sustain the President's veto.

In my view, this legislation is unconstitutional under the Supreme Court's decisions in Roe v. Wade and Planned Parenthood v. Casey, and President Clinton was right to veto it. The Roe and Casey decisions prohibit the government from imposing an "undue burden" on a woman's constitutional right to choose to have an abortion at any time up to the point where the developing fetus reaches the stage of viability. The government can constitutionally limit abortions after the stage of viability, as long as the limitations contain exceptions to protect the life and the health of the woman.

This bill fails that constitutional test. In cases before viability, it clearly imposes an undue burden on a woman's constitutional right to an abortion. In cases after viability, it clearly does not contain the constitutionally required exception to protect the mother's health.

Supporters of this legislation are flagrantly defying these constitutional requirements. In the vast majority of states that have passed so-called partial-birth abortion bans, the law is on appeal, enjoined, or the subject of a restraining order. With only one exception, where the laws have been challenged, the courts have concluded that these bans are unconstitutional.

The conclusion is obvious. The supporters of this unconstitutional legislation would rather have an issue than a bill. President Clinton vetoed this legislation on October 10, 1997. Almost an entire year has passed since that veto. If the Senate Republican leadership genuinely cared about preventing these abortions, they would have brought this veto before the Senate long ago. Instead, they delayed and delayed and delayed. And now, surprise! The Senate is finally being asked to vote on this veto a few weeks before election day. They want an issue, not a bill.

In her testimony before the Senate Judiciary Committee, Coreen Costello put this issue clearly. After consulting numerous medical experts and doing everything possible to save her child, Coreen Costello had the procedure that would be banned by this legislation. Based on that experience, she said this to our committee:

> I hope you can put aside your political differences, your positions on abortion, and your party affiliations and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts. We are the families that had to choose how our babies would die . . . please put a stop to this terrible bill. Families like mine are counting on you.

I want the Senate to sustain the President's veto.

Mrs. MURRAY. Mr. President, I rise today to in support of the President's veto of the so-called Partial Birth Abortion Ban Act and urge my Colleagues to join me in defeating this real threat to women's health.

Most of what has been said here today in support of this ban is troubling, because some have implied that women make health care decisions in haste without much thought or understanding. Let me assure my Colleagues that women have the ability to make informed health care decisions. We are more than capable of understanding the difference between pre and post viability. We are more than capable of making wise health care decisions in consultation with our physicians and family. We do not need Members of Congress making our health care decisions. I believe that most women would argue that health care decisions are best left to physicians and patients.

We argue that patients and doctors should make health care decisions. Not insurance bureaucrats. Yet today many of my Colleagues are trying to make a major health care decision for many women in this country. Not just a health decision but for some women a life or death decision. This is why the American College of Obstetricians and Gynecologists oppose this ban. They understand the threat to women. They know first hand the complications that can develop throughout a pregnancy. They have experienced first hand the risk that many women face throughout a pregnancy. They are the one's we should be listening to in this debate.

That is the issue. Protecting the life and health of the woman. This is not about choice or even about the Constitution. This is about protecting the life and health of women.

Let me point out to my Colleagues, post viability abortions are prohibited except when necessary to save the life and health of the woman. This is the law of the land and I support it. But the legislation that the Administration wisely vetoed would undermine this standard established by the Supreme Court and includes no exception to save the woman's health and the life exception is so narrow that few could meet the test. There is no exception to protect a women's ability to have additional healthy children. There is no exception to give the doctor the ability to do what is right for his or her patient. This is a dangerous precedent that we cannot allow to go forward.

I have come to this floor many time to advocate on behalf of women's health. I have had many successes in increasing funding for research and in working to eliminate gender bias in research. I have worked to increase funding for breast cancer research. I have fought to improve and expand mammography coverage for Medicare beneficiaries. I have worked to increase focus on cardiovascular disease, the number one killer of American women. As a member of the Appropriations Committee, I have always considered women's health one of my top priorities.

I am here today for the same reason, to continue my fight for the lives and health of women. I urge my Colleagues to talk to women who have had to make this decision to have this procedure. Listen to what their doctors told them and why they made the decision forced upon them. I know that if you could hear what they have endured and the heartache they have faced you would understand why today's vote is a women's health vote and why this ban is such a danger to women.

Let women and their doctors make these difficult decisions. This ban is a serious threat to women and their families. Please do not jeopardize a women's health and threaten her life based on gruesome diagrams that simply do not tell the real story.

I would urge all of those who believe that this legislation is necessary to take the time to listen to phyisicans and women who have had this procdure. I can guarantee that this procedure is only done in the final weeks of a pregnancy when it becomes medically necessary to save the women's life or health.

Ms. MIKULSKI. Mr. President, today the Senate will vote on whether or not to override the President's veto of H.R. 1122, the so-called "Partial Birth Abortion Ban". I will cast my vote to uphold the President's veto.

I do so for several reasons. First and foremost, this bill denies a woman, in consultation with her physician, the right to make necessary or appropriate medical decisions. Second, it does not provide any protection for a woman whose health is grievously threatened by her pregnancy. Third, this bill will not stop a single abortion from occurring. Finally, it is unconstitutional.

I believe that women, in consultation with their physicians, must make decisions on what is medically necessary or appropriate in reproductive matters. These must be medical decisions not political decisions.

Mr. President, we need to let doctors be doctors. This is my principle whether we are talking about reproductive choice or any health care matter. Physicians have the training and expertise to make medical decisions. They are in the best position to determine what is necessary or appropriate for their patients. Not bureaucrats. Not managed care accountants. And certainly not legislators.

Who is best equipped to decide whether a difficult pregnancy threatens a woman's life? Who decides whether a woman would suffer grievous injury to her physical health if a pregnancy is continued? Who decides what is medically necessary for a particular woman in her unique circumstances?

The answer must be that doctors decide. The women themselves must decide. Legislators should not take the decision away from them. This bill is unacceptable because it shackles physicians. It prevents them from exercising their best medical judgement on behalf of their patients.

I also will vote to uphold the President's veto because this bill does not offer any protections for women's health. I know that there are many who view efforts to provide for the health of the woman as some sort of loophole. But I believe we must acknowledge the realities of women's health and women's lives.

Even the most ardent opponent of reproductive rights would have to acknowledge that there are medical crises that arise during pregnancy that could cause profound harm to women's health. Yet the authors of the bill before us refused to make any concession to health concerns

I will vote today to sustain the President's veto because this bill would not prevent one abortion—not one. By banning a particular procedure, it does nothing to stop abortions from occurring. A doctor can still opt to use any other abortion procedure—even ones that might be less suitable for the woman's particular health circumstances. So let's be clear—this bill would not prevent abortions.

Finally, this bill fails the test of constitutionality. The Supreme Court in Roe versus Wade and in its subsequent decisions has been quite clear. Prior to the point of fetal viability, a woman's right to an abortion is constitutionally protected.

The Court has also insisted that any legislation restricting abortion must ensure that the woman's life and her health are protected. The woman's physician must place her health as the paramount concern. On both of these points, this bill fails to meet the constitutional standard the Court has established.

This is not mere speculation. In 19 out of 20 states that have passed "partial-birth" abortion bills, either a court or state attorney general has prevented those laws from taking effect. Six of those states used language that is identical to the bill now before the Senate. Seventeen courts have ruled that these state laws are unconstitutional. So it should be clear that this bill cannot pass constitutional muster.

For all of these reasons this bill is seriously flawed. The President's veto of this legislation was the right thing to do. It was the constitutional thing to do. I expect that the Senate will vote today to uphold that veto.

When the Senate passed this legislation last May, I said that its passage was a hollow victory. It was hollow because the bill could never be enacted into law and could never be upheld as Constitutional. I believe that subsequent events are proving that prediction to be correct.

There is a better way to address this issue. I believe the vast majority of my colleagues would agree that—absent a threat to life or a grievous threat to a woman's health—abortion in the last months of pregnancy is not defensible. Why can't we enact legislation that would provide a ban on those post viability abortions?

When the Senate considered this issue last May, I worked with my Democratic Leader TOM DASCHLE and a bipartisan group of Senators to craft such an approach. The Daschle alternative would have meant fewer abortions. It banned all abortions once a fetus had achieved viability.

It provided only two exceptions—first, when the woman's life was threatened by continuing the pregnancy. Second, when she was at risk of grievous injury to her physical health. And it allowed the woman and her physician to make that medical determination.

I still believe that is the correct approach, the common sense approach. The Daschle alternative was respectful of the Constitution. It safeguarded women's health. I was disappointed that we were unable to pass this alternative. I believe the President would have signed a bill along the lines of the Daschle alternative.

Because I believe so strongly that this is the correct approach to take, I have joined with my colleague, Senator DURBIN, and others, in introducing a bill modeled after the Daschle alternative.

I urge my colleagues—whether you support the bill we are considering today or not and whatever your views on reproductive choice—to take another look at this proposal.

It is our best chance to forge a consensus on this issue. We can stop inappropriate post-viability abortions while still protecting the lives and health of women. The Durbin bill shows us the way. I believe it reflects the values and views of the American people.

So, Mr. President, I will vote to sustain the President's veto today. But I would urge my colleagues to bring fresh thinking to this matter. We can have a real legislative solution, rather than a political wedge issue. We should certainly try.

Mr. FEINGOLD. Mr. President, I will vote to sustain the President's veto of HR 1122, the so-called partial birth abortion bill, that seeks to outlaw a particular abortion procedure, which is most closely analogous to the intact dilation and extraction procedure, sometimes called Intact D&E. I do support a ban on post-viability abortions, if the ban is subject to important exceptions to protect a woman's life and prevent grievous injury to her physical health. I am disappointed that the proponents of HR 1122 have steadfastly refused to accept any amendment, no matter how tightly crafted, which would include provisions to protect a woman's physical health in extreme circumstances.

I have said repeatedly here on the floor of the Senate, during hearings in the Judiciary Committee, and at listening sessions held across the state of Wisconsin that I believe post-viability abortions should be banned, with two exceptions. The first is an exception to save the life of the woman, which is an important and necessary provision. I hope we can agree on that point. The second is to protect a woman from grievous injury to her physical health. I hope we can also agree on that point. I am sensitive to the fears of the bill's proponents that any health exception might serve as a major loophole, and I agree that the definition of a threat to physical health should be narrow. But it should be there.

Let me remind my colleagues that the Supreme Court has clearly ruled that, although states have the right to restrict post-viability abortions, exceptions must always be made to protect the life and health of the mother. Twenty-eight states, including my own home state of Wisconsin, have passed so-called partial birth abortion bans, and the statutes in ten states are substantially identical to HR 1122. Wisconsin's experience in the wake of the passage of its partial birth abortion ban should give all of us, as we consider whether to override the President's veto of HR 1122, some additional pause. For nearly two weeks following the passage of the state bill, physicians struggled to determine which procedures, if any, were allowed under the bill; prosecutors proclaimed that they couldn't enforce the new law in their communities until it was clarified by a court.

Last year, I voted for the bipartisan alternative amendment to HR 1122 introduced by Senator DASCHLE and others. I voted for that amendment because it took a comprehensive approach to banning abortions on viable fetuses, rather than merely banning a single procedure. I did so, Mr. President, because I was concerned that the language contained in HR 1122 was imprecise. I looked closely at the bill to see how it addressed the significant concerns raised by my constituents based upon accounts and descriptions of the "procedure" they had heard. The text of HR 1122 does not specify a gestational age, such as "late term;" it does not mention any specific part of the fetus, such as the head; and it does not mention any specific medical instruments, medical situations or circumstances.

I believe that the Daschle amendment provides that needed clarity while being sufficiently narrow to satisfy most reasonable people's concerns about healthy women with normal pregnancies who might seek to terminate those pregnancies in the third trimester. It would have required a physician to certify that continuation of the pregnancy would threaten the woman's life or risk grievous injury to her physicial health. Grievous injury was define in the amendment as "a severely debilitating disease or impairment specifically caused by the pregnancy, or any inability to provide necessary treatment for a life threatening condition."

The other side claims that abortion is never necessary to protect a woman's health. But Mr. President, I have met women whose doctors believed differently. The American College of Obstetricians and Gynecologists (ACOG) and the Society of Physicians for Reproductive Health supports them. ACOG has stated that although Intact D & E may not be the only option to save a woman's life or preserve her health, it sometimes may be the best or most appropriate procedure, depending on the woman's particular circumstances. Precisely because I am not a doctor. I think it is important for us to uphold the President's veto. The point is, Mr. President, that there is a dispute within the medical community about the necessity for and the risk associated with Intact D & E. And that is where it should be resolved. It should be women and their doctors, not politicians, who decide which medical procedure is appropriate within the confines of the Daschle amendment.

The Daschle alternative amendment struck the right balance between protecting women's constitutional right to choose abortion and the right of the state to protect future life. It would have protected a woman's physical health throughout her pregnancy, while ensuring that only grievous, medically diagnosable physicial conditions could justify ending a viable pregnancy. Within the terms of that amendment, both fetal viability and women's health would have been determined by the physician's best medical judgement, as they should be.

I hope, as we vote today, we do so in full knowledge of the strong feelings about this issue on all sides. We should respect these differences, avoid efforts to confuse or distort each others views before the public, and maintain a level of debate that reflects the importance of relying on the facts about this issue and finding a response that is sensitive and constitutionally sound.

Mrs. FEINSTEIN. Mr. President, I opposed the override of the veto of H.R. 1122, a bill banning emergency late-term abortions. There are several reasons why this is a flawed bill. This bill attempts to ban a specific medical procedure, called by opponents, partial-birth abortion, but there is no medical definition of partial-birth abortion. The language in this bill is so vague that it could affect far more than the one particular procedure it seeks to ban, procedures used during the second and possibly the first trimester of a pregnancy. There is no exception to protect the health of the woman. This bill would ban a type of medical procedure regardless of whether it is the medically safest procedure under a particular set of circumstances. States are legislating prohibitions on abortions.

H.R. 1122 would criminalize the use of a medical procedure called, by the bill, partial-birth abortion. This term does not appear in medical textbooks or training. Doctors do not know what it means. The doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to. For example, when asked to describe in medical terms what a partial-birth abortion is Dr. Pamela Smith, Director of OB/GYN Medical Education at Mount Sinai Hospital in Chicago called it "a perversion of a breech extraction." (page 127) Dr. Nancy Romer, a practicing OB/GYN and Assistant Professor at Wright State University School of Medicine, who said the doctors at her hospital had never performed the procedure, had to quote another doctor in describing it as "a dilation and extraction, distinguished from dismemberment D and Es." (page 182)

When the same question was posed to legal experts in Judiciary Committee hearings—to define exactly what medical procedure would be outlawed by this legislation—the responses were equally vague. This vagueness means that every doctor that performs even a second trimester abortion could be vulnerable and could face possible prosecution under this law.

The language in this bill is so vague that, far from outlawing just one abortion procedure, the way this bill is written virtually any legal procedure could fall within its scope. I asked the legal and medical experts who testified at the Judiciary Committee hearing if this legislation could affect abortion-not just late-term abortion-but earlier abortions as well. Dr. Lewis Seidman, Professor of Law at Georgetown University, gave the following answer. "As I read the language in a second trimester pre-viability abortion where the fetus in any event will die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for two years." Dr. Seidman continued his testimony, concluding that "if I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure would eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact." (223)

Dr. Cortland Richardson, Associate Professor of Gynecology and Obstetrics at John Hopkins University School of Medicine, in testimony before a House committee, said that the language "partially vaginally delivers" is vague, not medically oriented, and just not correct. "In any normal second trimester abortion procedure by any method, you may have a point at which a part, a one inch of umbilical cord, for example, of the fetus passes out of the cervical opening before fetal demise has occurred." (H.R. Rep No. 267, September 27, 1995 testimony) So this bill could affect far more than just the few abortions performed in the third trimester, and far more than just the one procedure being described.

This bill has no exemption to protect the health of the mother and as such, would directly eliminate that protection provided by the Supreme Court in Roe v. Wade and Planned Parenthood V. Casey.

If this bill were law, a pregnant woman seriously ill with diabetes, cardiovascular problems, cancer, stroke, or other health-threatening illnesses would be forced to carry the pregnancy to term or run the risk that the physician could be challenged and have to prove in court what procedure he or she used, and whether or not the doctor "partially vaginally-delivered" a living fetus before death of that fetus.

Here are some examples, provided to me by gynecologists, of rare maternal medical conditions that could necessitate a post-viability procedure to protect a woman's health. The health of these women would be endangered in these situations.

A fetus has a huge hydrocephalic head (or other greatly enlarged organ) three times the normal size and a cranium is filled with fluid. The head is so large the woman physically cannot deliver it. Labor is impossible, because

the fetus cannot get down the birth canal and out. A caesarian is impossible because it would require a huge, up-and-down incision, which would rupture in future pregnancies or labor. Thus, a woman could not have future children and this procedure affects her ability to have future pregnancies.

A condition called arthrogryposis, or a rigid fetus, the fetus cannot move down and out in labor, and labor risks rupturing the woman's cervix. With prolonged intense pushing the mother's heart is put at risk. If this stiff fetus cannot be delivered by a caesarian, a large vertical incision would be required, thus risking future pregnancies.

Women with certain health conditions cannot tolerate the stress of labor or surgery. They include cardiac problems like congestive heart failure; severe kidney disease (e.g. renal shutdown); severe hypertension, diathesphesis, and Von Willibrand's Disease (bleeding, clotting disorder).

Pre-eclampsia (toxemia) is a serious complication of pregnancy and a leading cause of maternal and fetal death that affects the placenta. The placenta does not attach to the wall of the uterus and thus limits the amount of blood and nutrients reaching the fetus, causing it to be underweight and prone to complications. This condition can progress to eclampsia, which can lead to convulsions, kidney failure, and death. The only treatment is to deliver the fetus. The woman cannot withstand labor or surgery.

A woman with diabetes might have a decline in renal function. She might not be able to tolerate the physical stress of labor or surgery.

Why is this legislation even necessary? Roe v. Wade unequivocally allows States to ban all post-viability abortions unless they are necessary to protect a woman's life or health. Forty-one States have done so. Surely, anyone who believes in States' rights must question the logic of imposing new, Federal regulations on States in a case such as this in area where States have legislated.

Medical decisionmaking should be made by medically trained people, not Congress. Congress cannot anticipate every medical situation and explicitly delineate them in law. During pregnancy, labor, and delivery, complicated conditions can develop that are often last minute, life-threatening, and complex for the mother and fetus. No legislator can ever anticipate, craft into law, every conceivable medical emergency that a physician caring for a pregnant woman will face.

We have entrusted and trained physicians to make safe and ethical medical decisions based on scientific and medical data on the benefits and risks to the patient. They do so based on their extensive training, their best medical judgment, proven medical techniques, and therapeutic assessment of the patient.

Physicians are sworn to protect the health of their patients. Congress should not pass legislation that would deny a physician the ability to provide care that in their professional judgment is medically necessary.

Medical decisionmaking or choosing the most appropriate therapy is based on the risk benefit for the mother and fetus, medical training, multiple decisional building blocks by medical experts, often a team. It is highly individualized. Every case is different. The medical history of patients varies tremendously. There are no absolutes. It is based on medical knowledge and training on a wide array of choices.

Only the attending physicians in consultation with the woman, with all the facts of the medical case and the medical history assembled, can make the decision. Physicians are bound by ethics, licensing, practice guidelines, and liability. Decisions are often team decisions, not made by one isolated physician and always in consultation with the patient or family. We hire trained professionals because we want their expertise.

In the words of the California Medical Association, "We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients . . . political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients." The American Women's Medical Association wrote, "We do not believe that the federal government should dictate the decisions of physicians . . ."

Let me make this clear: I oppose post-viability abortions. They are wrong, except to save the mother's life and health. Late-term abortions are rare and they should be rare. When the Senate considered this bill last year, on May 14, 1997, I offered a substitute to the bill before us. My substitute had 3 provisions. it would have prohibited all abortion procedures after a fetus is viable, not prohibited abortions if in the medical judgment of the physician, an abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman, and imposed civil penalties. I continue to believe that my substitute would accomplish the goals of the bill before us while protecting women's health and constitutional rights.

Mr. President, these are tragic situations, situations that most of us could never imagine. We had couples come to us and tell us heartbreaking stories about babies they dearly wanted, but babies they could not have because to go through labor and delivery the mother would have died, been seriously injured or prevented from having future pregnancies. These were people who explored every available option, who consulted experts, to save the baby that they very much wanted. These are rare and difficult circumstances.

The Federal Government has no place interfering, making this tragic situation any more difficult or complicated for these families. This is a vague, poorly constructed bill. It attempts to ban a medical procedure without properly identifying that procedure in medical terms. It is so vague that it could affect far more than the procedure it seeks to ban. It fails to protect women's health at a time when they face tragic complications in their pregnancies. I urge my colleagues to vote to sustain the President's veto.

Mr. NICKLES. Mr. President, the Senate again is considering the Partial-Birth Abortion Ban Act. This bill, which prohibits a procedure used to kill unborn children late in pregnancy in a particularly gruesome and painful manner, passed both the House and Senate before being vetoed by President Clinton on April 10, 1996. Last Congress, the House voted to override the President's veto by a vote of 285–137. Unfortunately, we failed in the Senate to override the Presidents' veto. The House voted again last year to prohibit partial-birth abortions by a veto proof margin of 295–136 and again the Senate passed the legislation by a vote of 64–36. However, President Clinton vetoed the ban for the second time. Today, the Senate again has the opportunity to over-ride the Presidents veto and put a stop to this horrific procedure. I rise to state my strong support for this just and very necessary legislation and hope that my Senate Colleagues will join with the House members and override the Presidents' veto.

As I am sure all of my colleagues know by now, the procedure banned by this bill—the partial-birth abortion procedure—defies description. I am not going to go into the terrible details of this procedure, which is performed on a living child late in pregnancy.

Mr. Presdient, this is a truly shocking procedure. It is absolutely indefensible. In fact, Dr. Pamela Smith, an obstetrician at Mt. Sinai Hospital in Chicago, and Director of Medical Education in the Department of Obstetrics and Gynecology at that hospital, testified last Congress before the House Judiciary Subcommittee on the Constitution that even when describing the procedure to groups of pro-choice physicians she found that "many of them were horrified to learn that such a procedure was even legal." [H. Rept. 104–267, p. 5]

As Dr. Smith further points out, "partial birth abortion is a surgical technique devised by abortionists in the unregulated abortion industry to save them the trouble of 'counting the body parts' that are produced in dismemberment procedures." [Letter to

U.S. Senators, 11/4/95] She says, in the same letter: "Opponents [have] insinuated that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptively and patently untrue."

And what about the baby, is the baby exempt from the pain of this procedure? No. As stated in a August 26, 1998, report in the Journal of the American Medical Association: "When infants of similar gestational ages are delivered, pain management is an important part of the care rendered to them. However, with [this procedure] pain management is not provided for the fetus, who is literally within inches of being delivered. It is beyond ironic that the pain management practiced for [this procedure] on a human fetus would not meet the federal standards for the humane care of animals used in medical research."

In a July 9, 1995, letter to Congressman TONY HALL, a registered nurse who had observed as Dr. Haskell (who has performed over 1,000 partial-birth abortions) performed several partial-birth abortions described one such procedure:

> The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out.

President Clinton has claimed that for some women whose unborn babies are diagnosed with grave disorders, this procedure is the only way to prevent serious health damage. But according to the Physicians' Ad Hoc Coalition for Truth (PHACT), a coalition of about 500 medical specialists including former Surgeon General C. Everett Koop, even in cases involving such severe fetal disorders, "partial-birth abortion is never medically necessary to protect a mother's health or her future fertility." (See The Wall Street Journal, Thursday, September 19, 1996, and PHACT press release dated May 7, 1997.)

Not only is this procedure not medically necessary, but it actually is medically dangerous to the health of the mother! According to a recent article in American Medical News (March 3, 1997), Diana Grossheim, on her doctor's advice, opted for the partial-birth abortion technique to remove her 21 week old child who had died in utero. As a result, she now has an incompetent cervix which endangered a subsequent pregnancy and required bed rest from week 23 through the duration of her pregnancy.

Furthermore, according to Dr. Pamela Smith, "there are absolutely no obstetrical situations encountered in this country which require a partially-delivered human fetus to be destroyed to preserve the health of the mother." For example, performing a Caesarean section could produce a healthy mother and living child. (American Medical News, November 20, 1995)

Even Dr. Warren Hern, an abortionist who specializes in late-term abortions, says that even he would not perform a partial-birth abortion because it is unsafe for the mother. He notes that turning the fetus to a breech position is "potentially dangerous" and that "you have to be concerned about causing amniotic fluid embolism or placental abruption if you do that." (American Medical News, November 20, 1995)

Dr. Martin Haskell, one of the major proponents and practitioners of this technique, states that some 80 percent of these procedures which he has performed were for "purely elective" reasons. [Interview with AMA's American Medical News, July 5, 1993] His late colleague and fellow proponent of the partial-birth method claimed in material submitted to the House subcommittee that "non-elective" reasons to perform the procedure include "psychiatric indications," such as depression and "pediatric indications" (i.e., the mother is young).

On January 12, 1997, the American College of Obstetricians and Gynecologists (ACOG) issued a policy statement regarding this procedure stating they "could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman." In July, 1997, the ACOG Executive Board supplemented its policy on abortion toward stating, "ACOG is opposed to abortion of the healthy fetus that has attained viability in a healthy woman."

The American Medical Association, on May 19, 1997 wrote to support H.R. 1122, the Partial Birth Abortion Ban. And, on May 26, 1997, AMA President Daniel H. Johnson. Jr. M.D., stated "The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortion method."

The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure. During last year's debate the New York Times quoted the pro-choice National Abortion Federation, as saying that only about 450 partial-birth abortions are performed each year.

Well, everyone now knows that was a lie! In February this year, Ron Fitzsimmons, the executive director of the National Coalition for Abortion Providers, said he lied about the frequency and necessity of partial-birth procedures. He now admits that this procedure is performed 3,000 to 5,000 times a year with the vast majority being performed during the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. (New York Times, 2-26-97; March 3, 1997, American Medical News.)

In addition, two lengthy investigative reports published last year in the Washington Post and the Record of Hackensack, New Jersey, reporters for both newspapers found that the procedure is far more common than pro-abortion groups have claimed, and is typically performed for non-medical reasons.

The Record found, for example, that a single abortion clinic in Englewood, N.J., performs "at least 1,500" partial-birth abortions a year—three times the number that the National Abortion Federation had claimed occur annually in the entire country. Doctors at the Englewood clinic said that only a "minuscule amount" are for medical reasons. One of the abortion doctors at that clinic told the Record, "Most are Medicaid patients, black and white, and most are for elective, not medical reasons: People who didn't realize, or didn't care, how far along they were. Most are teenagers."

It is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we are having to take legislative action to ban such a procedure. It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is alright to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction, one has to take the position that curling fingers and kicking legs have no life in them. Those who subscribe to such a fiction, are at best, terribly misguided.

As Former Surgeon General C. Everett Koop stated:

> . . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. American Medical News, August 19, 1996.

Even a Chicago Tribune March 3, 1997 editorial stated:

> The American people have learned enough about partial-birth abortions to know that they should be stopped.

Twenty-eight states have approved a ban on partial birth abortions. Now it is time for the Senate to do the same. It is time to end this injustice and the practice of this inhumane procedure. I urge my colleagues to join me in ending this atrocity.

Mr. MCCONNELL. Mr. President, this debate offers each Senator an opportunity to set forth, in a very real way, his or her vision for America. from time to time, we are given a stage, a

national audience, and a defining moment—a moment in which we must extol that which is good and noble and just, and reject that which is not. I believe that today provides one such moment in this effort to override President Clinton's veto of the Partial Birth Abortion Ban Act.

I rise today in strong support of the Partial-Birth Abortion Ban Act of 1997. with this vote, the Senate will protect unborn children from the barbaric procedure known as "partial-birth abortion," or it will not. The Senate will side with truth, or it will not.

The president has vetoed this bill on two occasions now, telling the country that partial-birth abortions are necessary in "a small number of compelling cases," to protect the mother from "serious injury to her health," and to avoid the mother's "losing the ability to ever bear further children."

Mr. President, that is not the truth. The evidence is quite to the contrary. The procedure is not limited to a small number of cases, but rather is far more widespread, numbering in the thousands. As one newspaper has explained, "[i]nterviews with physicians who use the method reveal that in New Jersey alone, at least 1,500 partial-birth abortions are performed each year."

The procedure is never necessary to protect the mother's health or fertility. The Physicians' Ad Hoc Coalition for Truth, which includes former Surgeon General C. Everett Koop, has flatly rejected the President's assertion on this point:

> Contrary to what abortion activists would have us believe, partial-birth abortion is *never* medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

The opponents of this legislation have gone to great lengths to hide the truth from the American people. One has famously admitted to deliberate falsehoods. Others have tried to obscure the facts by using medical terms like "intact dilation and evacuation" or "intrauterine cranial decompression." But, no matter what words the other side uses, nothing can change the fact that this procedure is a partial-birth abortion, it is heinous, and it is wrong.

I want to close my remarks this morning, Mr. President, by thanking some very special people for their support on this critical issue. I want to thank Margie Montgomery of Kentucky Right to Life. She has worked tirelessly and faithfully on behalf of unborn children. Her years of service have been truly heroic.

I also want to thank the Respect Life Committee, and particularly Mel Meiners and Dan Bowling. To illustrate the broad support in my state for ending this inhumane act, they have crafted an amazing Prayer Chain, containing over 3,700 signatures from dedicated people who are praying that we will override President Clinton's veto. I would say, Mr. President, that we could probably take their Prayer Chain and stretch it all the way around the Senate floor. We would then be enveloped by this symbol of commitment to protecting unborn children. This Chain is a moving display of faith and commitment—I am very grateful for having receive it.

Let me list a few of the Catholic churches who are responsible for the Prayer Chain: Guardian Angels, Holy Family, Our Mother of sorrows, Resurrection, St. Martin of Tours, and St. Stephen Martyr. The chain is also a product of the efforts of the Little Sisters of the Poor Home for the Elderly, Holy Angels Academy, and, as I've already mentioned, Kentucky Right to Life. I also want the RECORD to reflect that I have received over 10,000 letters and cards from concerned Kentuckians urging us to end this barbaric practice.

I truly appreciate their support and hope that my colleagues will join me in taking a stand for what is right and just. We must send a clear and principled message to the President and to the nation.

Mr. JEFFORDS. Mr. President, today we will vote once again on legislation offered by the Senator from Pennsylvania to ban the dilation and extraction, or D&X, procedure used by doctors, H.R. 1122. I will be voting against this ban for the fourth time in as many years.

My reasons for opposing this legislation are well-known. First, I believe that this bill undermines the Supreme Court's decision in Roe v. Wade to leave these critical matters to the states. Those states who have chosen not to pass legislation banning late-term procedures leave the decision to the woman, her family and their doctor.

Second, I believe that a woman's right to control her own reproductive destiny is protected as part of the Constitutional right to privacy. The Supreme Court under Roe has decided that the decision of whether to undergo an abortion is a matter of individual conscience and should be made by a woman in thoughtful consultation with her doctor.

Third, preventing doctors from using the D&X procedure only when it is necessary to save the life of the mother clearly goes against the Supreme Court's decision in Roe. Roe requires the states to safeguard the life and health of the mother when they regulate late-term abortions. Because of the unconstitutionality of this legislation, I feel I cannot support its passage.

Finally, I believe that women who choose to undergo a D&X procedure do so for grave reasons and I trust that those states that have chosen to regulate late-term abortions do so in a manner that both protects the mother and prevents unnecessary abortions. The Supreme Court has established a delicate legal framework in which to address late-term abortions and we should not shift the decision making to the federal government.

Mr. SANTORUM, Mr. President, I believe I am the last speaker. I suggest the absence of a quorum and ask unanimous consent the time run off the opposition's side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I also ask unanimous consent that I might use 2 minutes from the opposition's side of this issue.

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

The Senator from Montana.

Mr. BURNS. Mr. President, there are some of us who do not have the eloquent speech of those who have spoken on this issue, but I think that I have a pretty good advisor in this issue.

I am wondering if I am listening to the same America in which I grew up. In rural America, life was simple but life was precious. We were fortunate enough in our family to have a couple of outstanding young folks blessed to our family, one of whom is now a medical doctor in family medicine.

A couple of years ago when this issue came up, she was the first one to call me, she being a new graduate of the University of Washington at the Seattle medical school and now doing her residency in Tennessee. She is blessed with a deeply faithful heart and motivated to doing the good things for humanity, taking her oath that she took upon graduation from medical school very, very seriously. If you have not heard that oath, maybe one should read it one time and see what the medical doctors take upon themselves, those who really do dedicate themselves to humanity. She, plain and simply, told her father that there is no reason for this procedure at all, none.

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

Mr. BURNS. I ask unanimous consent for 1 more minute.

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

Mr. BURNS. Those of us who have been granted life and been able to work in it and enjoy the full fruits of it sometimes lose sight of just exactly where we come from. So this is a matter of conscience, the deep American conscience, especially when those who know and are motivated to do the right

thing, those who work with it every day, tell us there is no reason for this procedure. I hope my colleagues will support the override of the President's veto.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, may I ask how much time is left on our side?

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds.

Mrs. BOXER. I ask unanimous consent I be allowed to speak for 3 minutes.

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

Mrs. BOXER. I thank my colleagues very much.

I thought we had a good debate on this yesterday, and I think the issue is pretty clear. I say to my colleagues, there is no health exception in this bill at all, which not only makes it unconstitutional, but which puts women in harm's way. And the life exception in the bill is very narrowly drawn. It is not the usual Henry Hyde language, the first version of his language or even the second. So it becomes very difficult for a physician to act to save the mother's life.

If the President would have signed this bill, he would have been putting a woman's health and her life at risk. So I think he did the right thing to listen to the 39,000 OB/GYNs whose job it is to bring babies into the world. They oppose this bill very strongly. They call it, and I am quoting, "dangerous."

Proponents of this bill argue that it would prohibit a specific procedure. Many of the women who have had this procedure have been here these last few days. They have been visiting us. They were looking in our eyes. They were telling us that they believe very strongly, and their families believe, that without this procedure they could have died. They could have been made infertile. Those women look in our eyes and tell us how desperately they wanted their babies.

One of them I introduced on the floor in a photo calls herself a conservative Republican, an antichoice, pro-life individual. She wanted her baby more than anything else and when tragedy struck, she had to have this procedure. She went to several doctors to try to find a way out, to have her baby. She had to have this procedure. She asks us, don't outlaw this without a health exception and a clear life exception.

So why would we turn our back to hurt women who want children? Why should we presume to know more than 39,000 obstetricians and gynecologists who tell us not to tie their hands in the hospital room?

So I know this is a very difficult issue on both sides. I know there are strong emotions on both sides. But I think the important thing to remember is, if we sustain this President's veto, which I hope we will do, there is not one woman in America who has to have any specific procedure. It is a personal decision. It is a decision based on health. If we go the route of those who are speaking to us today on the other side of the aisle, government would say to doctors, not only in this circumstance, but if they had their way—they are very honest about it, and I respect them for it—no way would abortion be legal in this country. If they had their way, government would step in where religion should be; government would step in where families should be.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield myself the remainder of the time.

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

Mr. SANTORUM. Let me respond directly to the Senator from California. Let me quote from the 39,000 OB/GYNs letter that was sent up here. It says that the policy committee of this select panel—"could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the mother."

They went on to say that, "However, it may [I underline may] be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the mother."

However, after more than a year, ACOG has given no specific example of any circumstance under which a partial-birth abortion would be the most appropriate procedure in any circumstance. The silence from that organization is deafening. And the reason they cannot give a circumstance is because there is no circumstance. There is no circumstance where this is the best procedure. There is no circumstance where this is needed to be performed for the health of the mother.

This is the last, which I thought was the last, of a series of misinformation that has been spewed out here on the Senate floor and across the country on the issue of partial-birth abortion. I will chronologically go through the lies that have been told by all of the abortion rights organizations, to stop the passage of this bill.

The first lie, when BOB SMITH and CHARLES CANADY introduced the bill they maintained in a letter, the National Abortion Federation did, that illustrations of this procedure are "highly imaginative and artistically designed, but with little relationship to the truth or to medicine."

They denied it existed, denied it was ever done. What was the truth? Three years prior to this statement, Dr. Haskell, who performs this procedure, appeared before the National Abortion Federation meeting and described the procedure shown in the drawings that BOB SMITH used here on the floor of the Senate, and talked about partial-birth abortion to this very group. Lie No. 1.

Lie No. 2, they said that this was a procedure where the fetus would feel no pain because of the anesthesia. I will combine No. 2 and No. 3. Lie No. 3, they went on to say the "anesthesia ensures fetal death."

Planned Parenthood, in a factsheet of October 1995 says, "The fetus dies after overdose of anesthesia given to the mother intravenously."

That is just absurd. Dr. Martin Haskell, again, who is one of the great users of this procedure, in the American Medical News:

> Let's talk about whether or not the fetus is dead beforehand. . . .
>
> Dr. HASKELL. No, it's not. It really is not.

In fact, a group of anesthesiologists came up to the Senate and pleaded to testify to debunk this myth that somehow anesthesia kills, or somehow could anesthetize the baby in the womb, because women were refusing to get anesthesia for fear that they would harm their baby.

Lie No. 4, this was a great one: Partial-birth abortion is "rare."

Testimony after testimony, a letter signed by the Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action, National Abortion Federation and a myriad of organizations said there are fewer than 500 cases in America. None of the reporters here or across America challenged them on it, except one little reporter in Bergen County, New Jersey, who called an abortion clinic and they found out at that clinic 1,500 were done, in that clinical alone. Another lie debunked.

Lie No. 5, another doozy of a lie. This lie said that partial-birth abortion is used only to save the woman's life or health or when the fetus is deformed.

Ron Fitzsimmons on ABC Nightline: "The procedure was used only on women whose lives were in danger or whose fetuses were damaged." Ron Fitzsimmons, fast forward, 2 years later, "What the abortion rights supporters failed to acknowledge is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else."

Another great lie but, by the way, that lie continues to be perpetrated here on the Senate floor, that this procedure is necessary for the health of the mother.

Let's move on to the last great lie, No. 6, partial-birth abortion protects the health of women. Let me tell you what the American Medical Association said when they endorsed this legislation. They say: "Thank you for the opportunity to work with you towards restricting a procedure that we all agree is not good medicine."

There is no reason—there is no reason, this goes on to say in another publication, "There is no health reason for this procedure. In fact, there is ample testimony to show that all of the health consequences are more severe for this procedure than any other procedure used."

If you are really concerned about the health of the mother, then look at all of the information that has been put out there by a variety of different organizations that says that this procedure is dangerous. It would never be used to protect the life of the mother. It is a 3-day procedure. If a mother presents herself in an emergency situation, you don't wait 3 days to evacuate the uterus. You do the procedure immediately. This is not.

Just think, common sense, we are delivering a baby. It is almost born. It is this far away from being born. Why is it healthier for the mother to insert a pair of scissors into the baby's skull, fracturing and shattering that skull inside the mother, causing potential harm to that mother by doing so? It is a blind procedure. Why don't you just let the baby live? The baby is almost outside the mother. Let the baby live. There can be no rationale, can be no rationale for destroying this little baby by executing this little baby at that point in time, when it is almost born.

Let me show you a couple of pictures, because the Senator from California has shown many pictures here on the floor of the Senate of women who have had partial-birth abortions as the reason this procedure needs to be kept legal. Let me show you the picture of a young man who is here in Washington today, Tony Melendez, who is a Thalidomide baby. People like Tony Melendez, came here to the House and the Senate to testify. It was said we need to keep partial-birth abortion legal because of people like Tony Melendez, who don't have arms or don't have legs or may be blind, those people should be aborted—those people who are not worthy to live. That is why we need to keep this, because of those poor deformed babies.

Yes, Tony Melendez was disabled in the sense that he had no arms, but Tony Melendez has been an inspiration to millions across the world in his ability to sing and play the guitar, yes, with his feet, as he did for us this morning downstairs in the Capitol.

The Senator from California will have women standing out there in the hall. Tony will also be there as a stark reminder that this bill is aimed at people like him, people who just are not perfect enough for us to deserve to be born.

I find it absolutely incredible that last year when we debated this bill, right before this bill came up, we had a vote on the Individuals with Disabilities Education Act. Passionate people on the other side of the aisle, whom I respect greatly for their defense of the disabled, got up and talked about how it was so important to give these people meaningful lives. They gave impassioned speeches, and yet, in the very next vote, they said that while they want to give them the right to education, they don't want to give them the right to live in the first place.

The Bible says, "A house divided against itself cannot stand." You cannot in any way conceivably fit in that you are willing to fight for the disabled, but only after they survive birth; you won't fight for them—in fact, you point the finger at them and say that those, in particular, should not be born.

The Democratic Party, over the last 100 years, has had a wonderful, wonderful reputation for fighting for those who are the least among us, for civil rights, for rights for women, rights for minorities, rights for the disabled. They have continued to try to open the American family, and I salute them for that. But they do a great disservice to that legacy when they turn their backs on people like Tony Melendez and Donna Joy Watts.

One of the cases that is cited often by the President is cases of children with hydrocephaly. Donna Joy Watts had hydrocephaly with no chance to live. Her mother had to go to three hospitals just to get Donna Joy delivered. They wouldn't deliver her. They would abort her, everyone would abort her, but they wouldn't deliver her. And Donna Joy is here today at 6 years of age. She just earned her white belt in karate.

Mr. President, I have been asked many times what pulled me to the Senate floor to debate this issue, because I had never spoken a word in the House or Senate about the issue of abortion, and I have given a lot of answers as to why I joined BOB SMITH in this fight.

I finally realized after the birth of my son and the death of my son, Gabriel; it finally came to me what pulled me to the Senate floor. What pulled me here was something that my son revealed to me in his short life—that we draw lines that don't exist in our society with respect to life. He revealed to me, in the love that I had for him, that what pulled me to the Senate floor was the love that I have for little children like Donna Joy and Tony and so many others.

I ask my colleagues today if they will open their hearts and love them, too.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is, Shall the bill (H.R. 1122) pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 64, nays 36, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Abraham	Faircloth	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Moynihan
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Byrd	Hatch	Santorum
Campbell	Helms	Sessions
Coats	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Conrad	Hutchison	Smith (OR)
Coverdell	Inhofe	Specter
Craig	Johnson	Stevens
D'Amato	Kempthorne	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Domenici	Leahy	Warner
Dorgan	Lott	
Enzi	Lugar	

NAYS—36

Akaka	Feinstein	Lieberman
Baucus	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Collins	Kerry	Snowe
Dodd	Kohl	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Levin	Wyden

The PRESIDING OFFICER (Mr. KYL). On this vote, the yeas are 64, the nays are 36. Two-thirds of the Senators voting, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

CHILD CUSTODY PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1645.

The legislative clerk read as follows:

A bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortive decisions.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu therof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

"Sec.

"2401. Transportation of minors to avoid certain laws relating to abortion.

"§2401. Transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby

in fact abridges the right of a parent under a law, requiring parental involvement in a minor's abortion decision, of the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

"(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regulatory resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.".

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a cloture motion to the desk to the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee amendment to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin G. Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, and Chuck Hagel.

Mr. NICKLES. Mr. President, I ask unanimous consent that the cloture vote occur at 4:30 p.m. on Tuesday, September 22, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, just so Members will know, there is a cloture motion that has just been filed. We should note for the record that we have been working in good faith with the chairman of the Judiciary Committee and the distinguished Senator from Michigan, Mr. ABRAHAM, on reaching agreement on a unanimous consent agreement. We started working on this agreement immediately after the majority invoked cloture to proceed to the bill. And in showing our good faith, everybody on this side of the aisle voted for that, to proceed to the bill. In fact, as I recall, the vote was unanimous in this Chamber.

S. 1645 is a bill that provokes strong feelings on both sides. A number of Members have expressed interest in offering amendments to this bill. In fact, on Tuesday, I say to the Senator from Oklahoma, we sent the Republican side a fairly limited list of amendments that Democrats plan to offer to the bill. Some of these amendments, such as those of the distinguished Senator from California, Mrs. FEINSTEIN, were debated in committee with careful thought and consideration, I thought, on both sides of the aisle.

In fact, I told Senator ABRAHAM later that I believed we had a very good debate on this bill in committee, and, as the distinguished Senator from Michigan knows, I did my best to move the bill along through committee.

We have not heard back from the Republican side about where we stand on the UC with the amendment list we proposed. We are waiting to hear back. I think if we work on this we will be able to reach some agreement and proceed on this measure with full and fair debate on the amendments that Members want to offer.

I whole-heartedly support the goal of fostering closer familial relationships and the notion of encouraging parental involvement in a child's decision whether to have an abortion. I believe, however, that States should continue to maintain their historically dominant role in developing and implementing policies that affect family matters, such as marriage, divorce, child custody and policies on parental involvement in minors' abortion decisions. That is the nature of our federal system, in which the States may, within the common bounds of our Constitution, resolve issues consistent with the particular mores or practices of the individual State.

In my view, this bill significantly undermines important federalism principles that we have respected—at least since the Civil War. In addition, while I know as a parent that most parents hope their children would turn to them in times of crisis, no law will make that happen. No law will force a young pregnant woman to talk to her parents when she is too frightened or too embarrassed to do so. Instead, of encouraging a young woman to involve her parents in a decision to have an abortion, this bill will drive young women away from their families and greatly increase the dangers they face from an unwanted pregnancy. For these reasons, I oppose this bill.

Proponents contend that the bill's "simple purpose" is to provide assistance to States that have elected to adopt parental consent requirements. Yet, the bill would not give federal enforcement "assistance" to all forms of parental consent or notification laws adopted in 40 states. Under the definition in the bill, only the most restrictive State parental consent or notification laws would get such assistance. The bill carefully restricts the parental involvement laws that would enjoy the new federal "assistance" offered by the bill to those that require the consent of or notification to only parents or guardians of a pregnant minor. States that have adopted a law that allows for the involvement of any other family member, such as a grandparent, aunt or adult sibling, in the decision of a minor to obtain an abortion would not be covered and not entitled to any Federal "assistance."

Only 20 States have adopted parental consent or notification laws that are currently enforced and meet the bill's definition of a "law requiring parental involvement in a minor's abortion decision." Thus, the majority of the States either have opted for no such law or are enforcing a law that allows for the involvement of adults other

than a parent or guardian in the minor's abortion decision.

Proponents are just plain wrong when they argue that this bill "does not supersede, override, or in any way alter existing State laws regarding minors' abortions." On the contrary, the direct consequence of this bill would be to federalize the reach of parental involvement laws in place in the minority of States in ways that override policies in place in the majority of the States in this country.

The fact that the bill establishes no new parental consent or notification requirements is a mere fig leaf which cannot hide its anti-federalism effect. The bill would use federal agency resources to enforce the minority—20—States' parental involvement laws wherever minors from those States travel and in connection with actions taken in other States. Furthermore, it would create a federal crime as a mechanism for such federal intervention.

This is an extraordinary step to extend one State's parental consent laws against its residents wherever they may travel throughout the Nation. The twenty State parental involvement statutes "assisted" by S. 1645 were not drafted with this extraterritorial application in mind. These statutes do not say that the parental involvement provisions hinge on residency but provide restrictions on abortions to be performed on minors within the State where the law applies. Nevertheless, even if these States have not contemplated and neither need nor want Federal intervention to enforce their parental involvement laws, this bill would federalize the reach of these laws wherever the pregnant minors of those States travel within the country.

This is not even how these State parental consent laws were drafted: They do not say that they do not hinge on residency. They do not say that they apply to the residents of the State no matter where those residents may travel. These State laws were drafted to apply only to conduct occurring within the State's borders and to provide restrictions on abortions to be performed on minors within the State.

Ironically, even if a State does not enforce its own parental involvement law, due to a court injunction or determination of a State Attorney General, this bill may still make it a federal crime to help a minor cross State lines for an abortion without complying with that unenforced or unenforceable State law. Despite the sponsors' intention that S. 1645 not apply in those circumstances, the language of the bill is simply not clear on that issue.

S. 1645 AND DRED SCOTT

I can think of only one other instance in which the federal government applied its resources to enforce one State's policy, absent a State judgment or charge, against the residents of that State even when the resident found refuge in another State: fugitive slave laws before the Civil War. While none of us—and certainly not the sponsors of this legislation—would ever condone slavery. I know they would join with me and the other opponents of this legislation in condemning that heinous part of our country's history. Yet, unfortunately, that is the only legislative precedent we have for a bill that would use federal law to enforce a particular State's laws against its citizens wherever those citizens may travel.

Thankfully, the Thirteenth Amendment to the Constitution outlawed slavery and repealed article IV, section 2, paragraph 3 of the Constitution, which authorized return of runaway slaves to their owners. That authority, and congressional implementing laws [The Fugitive Slave Act of 1793], enabled slave owners to reclaim slaves who managed to escape to "free States or territories.

In fact, the notorious Dred Scott decision relied on this since-repealed constitutional provision to decide that slaves were not citizens of the United States entitled to the privileges and immunities granted to the white citizens of each State. This is why Dred Scott, born a slave, was deemed by the Supreme Court to continue to be a slave, even when he traveled to a "free" territory that prohibited slavery.

In 1858, Abraham Lincoln, who was at the time running for the U.S. Senate, criticized the Dred Scott decision, "because it tends to nationalize slavery." Indeed, the dissenting opinion in Dred Scott, made plain that "the principle laid down [in the opinion] will enable the people of a slave state to introduce slavery into a free State * * *; and by returning the slave to the State whence he was brought, by force or otherwise, the status of slavery attaches, and protects the rights of the master, and defies the sovereignty of the free State."

So, too, with S. 1645. It tends to nationalize parental consent laws, even in those States that have declined to adopt that policy. Fugitive slave laws are no model to emulate with respect to our daughters and granddaughters.

Make no mistake, despite the sponsors' contention that this bill does not "attempt to regulate any purely intrastate activities related to the procurement of abortion services," the effect of this bill would be to impose the parental consent policies in the minority of States on the residents of the majority of States. For example, Vermont has no parental consent or notification law, though a neighboring State—Massachusetts—does. In the early 1980's, press reports indicated that a two percent increase in abortions in Vermont were attributable to minors from Massachusetts coming across the border to avoid telling their parents under that State's parental consent law.

If this bill becomes law, Vermont health care providers could be put in the position of enforcing Massachusetts' parental involvement laws before any abortion procedures are performed on minors from Massachusetts; otherwise these health care providers run the risk of criminal or civil liability. In other words, when confronted with a nonresident pregnant minor, who may be from Massachusetts, a Vermont health care provider would not be able to perform procedures that are legal in Vermont and protected by the United States Constitution. Instead, that Vermont health care provider would be forced to import and enforce another State's law.

Since it is not always easy to tell where a minor's "home" State is, health care providers would end up bearing the burden, in terms of time, cost and resources, of checking on the residency of every minor who comes to them for abortion services. This may be the only way to ensure that there are no nonresident minors among them who have not complied with their "home state" parental involvement laws. This is not the policy that the majority of States have chosen for the minors within their borders, yet the bill would force the laws and policies of the minority of States on them.

Health care professionals share this concern. Dr. Renee Jenkins, testified before the Judiciary Committee about the effect of this bill on clinics, doctors and other health care providers. She told us:

> I am concerned about the effect on and responsibilities to the health care providers involved: the doctor's responsibility when providing abortion services to women of any age from out-of-state. . . . I am very concerned that Congress may put health care providers in the position where they must violate their state's confidentiality statutes in order to meet the obligations of a neighboring state.

Moreover, the Federal Government would be in the unfortunate position of prosecuting people differently, depending on the State in which that person has established residence. This disparate treatment would result from the non-uniformity of State parental involvement laws. State statutes on parental involvement in a minor's abortion decision vary widely and, as noted, a number of States have no such requirement at all. Thus, under the bill, whether a person is subject to Federal prosecution would depend upon the vagaries of State law.

Just because some in Congress may prefer the policies of some States over those in the majority of the States does not mean we should give those policies federal enforcement authority across the nation. Doing so sets a dangerous precedent.

We should think about how this policy might impact additional settings. For example, some states, such as Vermont, allow the carrying of concealed weapons without a permit, while

other States bar that practice. Should Congress authorize federal intervention that would allow residents of States, like Vermont, to enjoy the privilege of carrying their concealed weapons into States, like Massachusetts, with more restrictive concealed weapons laws?

Or what about State laws governing the sale of fireworks? Vermont bars the sale of all kinds of consumer fireworks, including roman candles and sky rockets. These fireworks are perfectly legal in other States, including New Hampshire. What would we think about making it a federal crime for a Vermonter to go to New Hampshire to buy consumer fireworks because they are illegal in Vermont? I believe we would view such a law—even if it were constitutional and even if it would promote the "safer" State fireworks law—as overreaching in the exercise of our federal power.

It is the nature of our Federal system that when residents of a State travel to neighboring States or across the Nation, they must conform their behavior to the laws of the States they visit. When residents of each State are forced to carry with then only the laws of their own State, they may be advantaged or disadvantaged but one thing is clear: We will have turned our federal system on its ear.

Significantly, the Department of Justice, in a July 8 letter to me, has described the myriad of practical enforcement problems with this bill. According to the Department, this bill would be "notably difficult to investigate and prosecute, and would involve significant, and largely unnecessary, outlays of federal resources."

For example, the Department points out that since this bill is predicated on conduct that may be perfectly lawful under the law of the State where the conduct occurred, local law enforcement may be unable to assist. This will leave the detection and investigation of violations of S.1645 entirely to the FBI and "place a great burden on the FBI."

Practically speaking, if this bill becomes law, FBI agents may have to serve as "State Border Patrols" to ensure that pregnant minors crossing State lines with another person is not doing so to have an abortion without complying with her home State's parental consent law.

Just last week, we held a hearing on counter-terrorism policies and heard from the FBI Director about the challenges the Bureau is already facing both here and abroad to protect the safety of Americans. They are currently investigating the deaths of 19 U.S. servicemen in Khoban Towers bombing in Saudi Arabia, and the deaths of over 250 people, including 12 Americans, caused by the recent bombings in Kenya and Tanzania. If this bill becomes law, how much of the FBI's attention will be diverted to help enforce the parental consent laws of 20 States? I think the FBI already has a full plate of duties that should not be diverted by this new federal enforcement authority called for in this bill.

In addition, the bill would sweep into its criminal and civil liability reach family members, including grandparents or aunts and uncles, who respond to a cry for help from a young relative by helping her travel across State lines to get an abortion, without telling her parents as required by the laws of her home State. Even the sponsors of this bill acknowledged the overbroad reach of the criminal liability provision in the original bill and took steps, with a substitute amendment adopted during the Committee's consideration of the bill, to exclude parents, but only parents, from the threat of criminal prosecution and civil suit.

The purported goal of this bill, to foster closer familial relationships, will not be served by threatening to throw into jail any grandmother or aunt or sibling who helps a young relative travel out-of-State to obtain an abortion without telling her parents, as required by her home State law. The real result of this bill will be to discourage young women from turning to a trusted adult for advice and assistance. Instead, these young women may be forced then into the hands of strangers or into isolation. In fact, a 1996 report by the American Academy of Pediatrics, cites surveys showing that pregnant minors who do not involve a parent in their decision to have an abortion, often involve other responsible adults, including other relatives.

Keep in mind what this bill does not do: it does not prohibit pregnant minors from traveling across State lines to have an abortion, even if their purpose is to avoid telling their parents as required by their home State law. Thus, this bill would merely lead to more young women traveling alone to obtain abortions or seeking illegal "back alley" abortions locally, hardly a desirable policy result. Young pregnant women who seek the counsel and involvement of close family members when they cannot confide in their parents—for example where a parent has committed incest or there is a history of child abuse—would subject those same close relatives to the risk of criminal prosecution and civil suit, if the young woman subsequently travels across State lines for an abortion.

Threatening an FBI investigation and a criminal prosecution of any loving family member who helps a young pregnant relative in distress to go out of state to obtain an abortion, would be a short-sighted and drastic mistake.

In addition to close family members, any other person to whom a young pregnant woman may turn for help, including her minor friends, health care providers, and counselors, could be dragged into court on criminal charges or in a civil suit. The criminal law's broad definitions of conspiracy, aiding and abetting, and accomplice liability, in conjunction with the bill's strict liability, could have the result of indiscriminately sweeping within the bill's criminal prohibition a number of unsuspecting persons having only peripheral involvement in a minor's abortion—even if they were unaware of the fact that a minor was crossing state lines to seek an abortion without complying with her home State's parental involvement law. As a result, the law could apply to clinic employees, bus drivers, and emergency medical personnel.

I also fear that the bill may have the unintended consequence of encouraging young women in trouble to abandon their family, friends and homes. If they are willing to travel across State lines to obtain an abortion, will this bill effectively force them to move their domicile across State lines to avoid engendering criminal and civil liability? If becoming a resident of another State will eviscerate the hold of a home State's restrictive parental consent law, moving, or running away from home may be the only choice that passage of this bill may leave to them if a young woman is determined not to tell her parents. And, what of those young woman who intend to move or those who tell others that they intend to move, does that defeat the claims the bill is intended to create to deter abortions?

No law—and certainly not this bill—will force a young pregnant woman to involve her parents in her abortion decision if she is determined to keep that fact secret from her parents. Indeed, according to the American Academy of Pediatrics, the percentages of minors who inform parents about their intent to have abortions are essentially the same in States with and without notification laws. Yet, while doing nothing to achieve the goal of protecting parental rights to be involved in the actions of their minor children, S. 1645 would isolate young pregnant women forcing them to run away from home or drive them into the hands of strangers at a time of crisis, and do damage to important federalism and constitutional principles.

Finally, because the bill imposes significant new burdens on a woman's right to choose and impinges on the right to travel and the privileges and immunities due under the Constitution to every citizen, constitutional scholars who have examined the proposal have concluded that it is unconstitutional.

I am particularly struck by Harvard University Law School Professor Laurence Tribe's statement that that "the Constitution protects the right of each citizen of the United States to travel freely from state to state for the very purpose of taking advantage of the

laws in those states that he or she prefers." He concluded.

A vote against this bill is a vote for preserving a young woman's ability to turn to a close relative or friend, in what may be the toughest decision she has ever faced, without fear that her trusted grandmother, stepparent, or best friend would be fined or jailed. A vote against this bill is a vote for preserving the important federalism principles.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I want to acknowledge that the Senator from Vermont and others on the Judiciary Committee, who are on the minority side, have worked with us. I think we did have, as the Presiding Officer knows, a very fair and I think thoughtful debate about the Child Custody Protection Act in committee. Let me just make a couple of points as to where, it seems to me, the situation currently stands.

First of all, we have had a list of potential amendments submitted. We have not seen language for any of those that are new. Some were in fact offered in committee. But the new ones we have not seen, and it would be very helpful, from the standpoint of moving the process forward, if we could get a better sense of what those are and how many, therefore, might be acceptable.

Second, I point out to all Members that amendments that were offered in committee, a number of which constitute the list we have seen, would remain relevant amendments postcloture on the bill because in fact they would stay in play. So even if cloture were invoked on the bill, it would not preclude those amendments from being considered and voted on here.

The fundamental problem is the Presiding Officer and, frankly, all Members are aware that what we confront now is a time problem. And if we can come up with an agreed upon list of amendments with reasonable time limits, I think we can move forward on this bill in the same productive way here in the full Senate that we did in the committee. But I think to get there we really require a couple of things. One is a little more information about some of the amendments that have been offered, particularly those that do not appear to be relevant amendments, and then some cooperation with respect to reaching an agreement on time limits for the amendments.

I do not think this is a situation that has to go to a cloture vote if we can resolve some of this. I again urge my colleagues to note, to the extent of the amendments that have been proposed, at least the ones we do know about because of they having been offered in committee, they will remain relevant amendments postcloture.

I think the majority leader and the full Senate understand the limited time we have. We cannot have this legislation on the floor for too long a period of time given all the other important pieces of legislation that demand our attention. But if we can limit the time and move to the amendments, I think it is possible to move forward. But even if we were to invoke cloture, it would not preclude many of these amendments. It would presumably eliminate some that truly are not relevant to the bill. And this is, I think, where we find ourselves.

So our staff, certainly on the majority side, is anxious to continue working with the ranking member and his staff to see if we can come to some agreement, hopefully, by the end of the day on Tuesday.

Mr. President, I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. NICKLES. I ask unanimous consent that the Senate resume consideration of the bankruptcy bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. For the information of all of our colleagues, the Senate has resumed consideration of the bankruptcy bill and will hopefully make some progress on the remaining amendments to that bill. However, no further votes will occur during today's session. The Senate, as previously ordered, will have a tabling vote on the minimum wage issue on Tuesday. That vote will occur at 2:20 p.m. The vote at 2:20 on Tuesday will be the first vote of the week in observance of the Jewish holiday, Rosh Hashanah, which occurs on Monday. It is my hope that other amendments will be stacked in sequence to occur after the 2:20 p.m. vote. I appreciate all of my colleagues' consideration.

AMENDMENT NO. 3602 TO AMENDMENT NO. 3559

(Purpose: To ensure payment of trustees' costs under chapter 7 of title 11, United States Code, of abusive motions, without encouraging conflicts of interest between attorneys and clients)

Mr. FEINGOLD. Mr. President, I rise to offer this amendment for myself and Senator SPECTER, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] for himself, and Mr. SPECTER, proposes an amendment numbered 3602 to amendment no. 3559.

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

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

The amendment is as follows:

On page 5, strike Section 102(3)(A) on lines 18 through 25.

On page 5 on line 17 after "bad faith," insert:

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings:

(i) a motion for dismissal under this subsection and the court grants that motion and finds that the action of the debtor in filing under this chapter was not substantially justified, the court shall order the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees; or

(ii) a motion for conversion under this subjection and the court grants that motion the court shall award reasonable costs in prosecuting the motion, including reasonable attorneys' fee, which shall be treated as an administrative expense under Section 503(b) in a case under this title that is converted to a case under another chapter of this title."

Mr. FEINGOLD. Mr. President, section 102(A)(3) of S. 1301, the section of the bill that would make a debtor's attorney responsible for the costs and the fees of the trustee if the attorney loses a 707(b) motion and the chapter 7 filing if it is found not to be "substantially justified" is a very troubling provision.

As we know, a 707(b) motion does allow the court to dismiss or convert a bankruptcy petition. This is an important safeguard that protects the bankruptcy system from having abusive chapter 7 filings. There certainly is some abuse by some debtors' attorneys. However, this provision does not punish the attorneys. It actually punishes their clients.

This provision, Mr. President, in effect, will deny debtors their right to be represented by counsel. What it will do is deny debtors any meaningful access to chapter 7 of the bankruptcy code. Therefore, ultimately, this provision will have the effect of denying debtors equal access to justice.

This bill makes the debtor's attorney responsible for the costs and fees of the trustee—not if the bankruptcy filing was brought in bad faith, not if the bankruptcy was frivolous, but only if the motion was "not substantially justified."

I believe this is unprecedented in American law. Parties—not their lawyers—are sometimes assessed fees under fee shifting statutes that are designed to level the playing field or encourage certain types of suits. However, unlike section 102(A)(3), every other provision in which lawyers are assessed fees requires affirmative wrongdoing by the lawyer. In every other case the lawyer has to be found

to, in effect, have been guilty of affirmative wrongdoing.

As we all know, the standard of "not substantially justified" is a significantly lesser standard than a "frivolous" standard. Indeed, the Supreme Court held in Pierce v. Underwood that "not substantially justified" is a standard "greater than general reasonableness," but a standard which "falls short of that necessary to issue sanctions for frivolousness."

Given the vaguely defined contours of this standard, it is likely that cases would be dismissed in which there was a good-faith argument that the chapter 7 filing was proper. Indeed, in other contexts, courts have interpreted that the "not substantially justified" standard is widely varying.

The impact in this provision will be, in effect, to eliminate the filing of chapter 7 cases by debtors' attorneys except in the most clear-cut cases, regardless of whether a chapter 7 filing would actually be in the best interest of the client. Obviously, very few, if any, debtors' attorneys are likely to put their own finances and welfare on the line for such a filing. Or if a few debtors' attorneys do continue to handle such cases, they will likely raise their fees to account for this tremendous risk, thereby pricing themselves out of the market except for the most wealthy of debtors. It is an oxymoron to talk about the wealthiest of debtors.

In the end, the result of this attorney's fees provision is that many debtors will be denied the benefit of counsel if they wish to file for chapter 7. In other words, many chapter 7 debtors will be forced to proceed pro se. As we have recently seen in the well-publicized abuses by Sears and others, many pro se debtors, due to their lack of knowledge about the system, suffer abuse under existing bankruptcy law.

The bill, as a whole, supplies potentially unprincipled creditors with many new tools to take advantage of pro se debtors. The bill would allow an unscrupulous creditor to make threats of 707(b) motions, threats of discharge ability complaints, and threats of repossessing household goods, which may ultimately result in debtors signing ill-advised reaffirmation agreements.

In addition, the attorney's fees provision, because it will compel many debtors now to file pro se, will likely result in a number of debtors having their petitions dismissed for even trivial or procedural mistakes.

As you know, pro se cases are frequently dismissed because debtors file papers incorrectly and cannot correct them quickly enough. And, of course, this bill, by forcing more and more debtors to go with pro se representation, simply exacerbates this problem.

Mr. President, Section 303 of the bill creates a presumption of bad faith when a case is dismissed for failure to file the required papers in the proper form. This provision, coupled with the fact that significantly more debtors will be forced to file pro se, will mean that many people who filed in good faith will have their petitions dismissed and, thus, will never receive their rightful bankruptcy relief.

Moreover, in this the bill's current attorney's fees provision is maintained; it will have the perverse effect of increasing abuses in this area. As previously noted, this provision will cause attorney fees to increase; therefore, more people will be unable to pay attorneys. In addition to catalyzing the pro se problems that I have already discussed, the provision will also cause nonattorney petition preparers to proliferate and they—much more so than debtors' attorneys—have, unfortunately, historically been the No. 1 source of the abusive bankruptcy filings, which this entire bill is so focused upon.

Indeed the nonattorney petition preparers have always been most prevalent where bankruptcy attorney's fees are the highest, notably in southern California and, to a lesser extent, in cities like New York. Very few pro se debtors actually prepare their own papers. Most have to seek help from these petition preparers who sometimes do a terrible job for them, give faulty legal advice, and file cases that often prejudice the debtor as well as landlords, mortgage companies, and other creditors.

Mr. President, in the end, on an issue like this, we have to be honest with ourselves. These attorney fees provisions are designed to intimidate lawyers into counseling against a chapter 7, plain and simple; that is the goal. This is inherently troubling, but such a provision, Mr. President, creates a blatant conflict of interest between the debtor's attorney and his or her client. What if the client has a valid chapter 7 case and would be better served by a chapter 7? Under this new rule, if we don't change it with this amendment, the attorney will have the perverse incentive to counsel his or her client to enter into chapter 13 in order to protect the attorney's financial interests.

This issue was actually raised at one of the hearings called by the Senator from Iowa, Senator GRASSLEY. A powerful and troubling example was offered to illustrate the dilemmas that bankruptcy lawyers will potentially face under this bill.

The scenario presented was that of a client who supports an elderly relative. Since a lawyer could not be sure if supporting an elderly relative would be considered a "reasonable living expense," the lawyer would be taking a risk, a personal risk, by filing for chapter 7 and zealously arguing—as the attorney is required to do—her or his client's case. Indeed, rule 1.7(b) of the Rules of Professional Conduct specifically prohibit a lawyer from handling a case "if representation of that client may be materially limited by the lawyer's * * * own interests." Mr. President, this bill would institute a scenario in which a debtor's attorney would arguably violate this rule whenever chapter 7 is at issue.

The amendment I am offering aims to prevent the inevitable conflicts of interest, perverse incentives, and harm to vulnerable good-faith debtors that this provision would create. My amendment would simply make all reasonable costs of prosecuting a 707(b) motion incurred by a trustee an administrative expense. Characterization of trustees' fees as an administrative expense would then ensure that the trustee receive reimbursement if the debtor's case is dismissed or converted; but what it would do, also, is prevent the conflict of interest specifically prohibited by the Rules of Professional Conduct that I just mentioned.

Senator SPECTER and I offered in committee an amendment that would have amended the bill to provide that the debtor's attorney would only be liable if his or her chapter 7 filing was frivolous. This amendment would have simply placed debtors' attorneys in the same position as all other attorneys. That is, they would only be held personally liable if they engaged in some kind of affirmative wrongdoing.

This proposed amendment was, however, defeated in committee, but it was defeated by a 9–9 vote. Those Senators who voted no on our amendment claimed they were doing so because they wanted to maintain the financial incentive for panel trustees to challenge allegedly abusive chapter 7 filings. We have carefully, and in response to that, recrafted our amendment to retain this financial incentive. Under this amendment, the panel trustee who successfully challenges a chapter 7 filing will be rewarded for their efforts.

In addition, if the debtor's attorney does file a frivolous chapter 7, that attorney will be punished. Just as every other attorney can be sanctioned for frivolous filings, the bankruptcy code already provides for sanctions to be assessed against an attorney who has actually acted in bad faith.

So, Mr. President, in sum, my amendment seeks to equitably reimburse the panel trustee if he or she is forced to prosecute a party who inappropriately filed for chapter 7; but it also tries to strike the right balance by striving to protect a debtor's right to counsel. Nothing is more fundamental to our legal system than the right of every American to be represented by a qualified and zealous attorney. We should not risk compromising this right, particularly for vulnerable parties who often seek protection under the bankruptcy system.

I strongly urge my colleagues to make this change, which I think would

be in the spirit of improving this piece of legislation that both the Senator from Iowa and the Senator from Illinois have worked so diligently on.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Wisconsin for bringing this issue up. It is one that had a close vote in the committee. I presume it has a legitimate place in discussion on the floor of the Senate because of the very close vote. However, I opposed it in committee, and I intend to oppose it here on the floor of the Senate.

I would say that in this area, Senator DURBIN and I have tried to respond to some of the concerns that Senator FEINGOLD has had. We did include in our legislation, as a result of his proposals in committee, that when a lawyer was substantially justified in feeling that this person should be placed in chapter 7, the penalties that we have in the bill otherwise applicable to lawyers who would put people in 7 that should be in 13, would not be applicable if the judge found so.

But this amendment—and I apologize to the distinguished Senator from Wisconsin—just goes too far. I think we need to look at some of the basic reasons why we have legislation. Not everybody would agree with my long list of reasons that we ought to have legislation; but, obviously, I have talked about the lack of personal responsibility.

Second, we have had Congress for 30 years setting a bad example for the individuals of America because we have had 30 years of deficit spending. What sort of a signal does that send to the people of this country? If the government can do it, surely they can do it. Hopefully, we will get over that hurdle this year. For the first time in 30 years, we will have a balanced budget. Hopefully, I think we are going to pay down something like $63 billion on the national debt, and hopefully even more than that.

We also have the credit card industry that we have talked about here in the last several days on this bill. Maybe they are not careful enough about who they encourage to use credit cards and go into debt with the credit card purchase of goods and services. But we have a very aggressive bar. That is my feeling—that the bankruptcy bar is not counseling their clients like they used to of whether or not they could go into bankruptcy. We even hear that it isn't the lawyer that can get people into bankruptcy, it is a legal aid, a legal assistant, who can, through the forms that are made and the electronic filing of collecting a fee, very quickly get people into chapter 7. We are trying to deal with the behavior of the bankruptcy bar in the sense that we want them to get to the point where they are counseling people. Should they be in bankruptcy at all? And, second, should they be in chapter 7, or chapter 13?

So, obviously, if we feel that there has been some abuse of the present practices of the bar, we want to make sure that we have disincentives for people to go into 7, if they go into 13. And we have used disincentive penalties against the legal profession, if they should have been in 13 against the lawyers, I should say, who advise.

We have responded to some of those concerns that Senator FEINGOLD has already raised. But we can't respond to all of them.

I strongly oppose this amendment, because one of the key features of our bill is that it holds debtor lawyers accountable for their actions. We do this by imposing fines when they steer clients into chapter 7 who otherwise can repay their debts.

We all have heard stories about the bankruptcy mills which recklessly send people into bankruptcy and process people in bankruptcy like sometimes we process cattle. Any meaningful reform must address the issue. The Grassley-Durbin bill does that—S. 1301, the bill before us.

This amendment by Senator FEINGOLD, in my estimation, would effectively nullify the new financial incentives for debtor lawyers to act responsibly. This amendment completely takes away the fines that bankruptcy lawyers must pay when they recklessly steer people to have the ability to repay their debts into chapter 7 and away from chapter 13. These fines will be an effective and meaningful way to ensure that lawyers advise clients responsibly.

If adopted, this amendment will allow bankruptcy mills to continue turning out knew bankruptcy cases. Under this amendment, a debtor's lawyer who is deliberately ignorant of a debtor's ability to repay his debt gets off scot-free. Perhaps we should call this amendment the "Bankruptcy Mills Protection Act."

I oppose this amendment and urge my colleagues to do so.

The amendment will not provide true financial incentives for chapter 7 trustees to go over all of the filings that are in chapter 7 and find out which ones can be removed to chapter 13, because this work of the public trustees—chapter 7 trustees—is one of the two major tools that we have to make sure that people who have the ability to repay debt do it rather than getting off scot-free, as most often happens in chapter 7.

The Feingold amendment won't provide a penny when a 707(b) motion is acceptable and the case is then dismissed. In that case, there won't be a chapter 13 case to allow trustees to collect expenses.

I ask my friends to help us keep this bill tightly written so that there is, in fact, a change of behavior among bankruptcy lawyers to advise clients to be responsible for debt—to maybe not go into bankruptcy at all, or if bankruptcy would be charted to chapter 13 as opposed to chapter 7.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I enjoy and appreciate working with the Senator from Iowa on many issues, and I have enjoyed all of his remarks except for the suggestion that somehow this is going to be a bad-faith attempt to try to improve the bill, or somehow attempt to benefit attorneys.

I feel like I identified some very specific arguments that are real and that are important to the legal system; and, that, although I share the concerns of the Senator about the general system, in fact I think there are abuses in chapter 7. There is no question about that. But what I tried to do is craft an amendment that creates a fair balance. I am not trying to prevent punishment of an attorney who does something wrong.

But let me just quickly review the arguments about why this is a reasonable amendment and I don't think was responded to.

First of all, I heard nothing about my argument that this creates a conflict of interest. A lawyer has a responsibility under the rules of professional conduct to zealously advocate on behalf of their client. Therefore, it is very rare that our legal system would function well and that attorneys would zealously advocate for their clients if they are afraid that their family and their house could possibly be taken away because they might be assessed with the entire cost of litigation. That is the conflict of interest that this creates.

The Senator suggested in an attempt to suggest that we are going to leave no opportunity to punish a wrongdoing lawyer that there is nothing left. That isn't true. Under the Federal Rules of Civil Procedure and under the Bankruptcy Code there are rules about filing frivolous claims. In fact, I remember when I was a young attorney. The first thing I learned when I came into the office as a young associate was you had better not file a pleading that is frivolous or you might be personally assessed for having done so. That is applicable to these situations and would be effective.

There is no truth to the suggestion by the Senator from Iowa that the attorney can go off scot-free, if he brings up a ridiculous claim.

Furthermore, in fairness to the Senator from Iowa, he did make a point about whether a trustee would be protected in getting his fees in a situation where the case is dismissed. We sent a

modified version of this to the desk which addresses that issue. We understood the point of the Senator from Iowa. We listened to him and modified our amendment from committee, because it was pointed out in that there was a conversion from a chapter 7 to a chapter 13; that in that case the trustee would be protected, but not if the chapter proceeding was actually dismissed. That is a fair point. We changed it. It applies to both the dismissal as well as the conversion.

I hope it is clear from the Record that the Senator's comments about that provision relates to the amendment we originally proposed, but not the amendment that was sent to the desk.

Finally, Mr. President, let's talk for just one second about the real effect of this.

The provisions that are in the bill relate only to "counsel"—an attorney, a licensed attorney. If this goes through and attorneys feel a fear of being assessed these fees in a case where they can't bring a case that they know is airtight, and they don't represent the client, who do they go to? They go to these petition preparers. These petition preparers are the very people who are most likely to do a sloppy job and not care if they bring a frivolous proceeding.

But guess what, Mr. President? The petition preparer isn't responsible. The petition preparer would not be under this standard. So what you are doing is pushing these debtors from legitimately licensed attorneys, who know what they are doing, hopefully, to people who are basically in many cases scamming people, and they would have no responsibility at all. That is bad for the debtor. It is bad for the creditor. That is bad for the legal system. That is bad for the congestion in the courts as a result of the bankruptcy system. For all of these reasons, we have a frivolous standard.

We make sure that the trustee is protected, whether it is a dismissal, or a conversion. And we try to address the inherent conflict of interest that exists when an attorney has to wonder if their own personal finances are going to be affected because they think they have addressed the best interests in arguments on behalf of a client but they are not certain. This goes too far, and I really hope in good faith that the Senator takes a look at these arguments and the modifications we have made, and considers that this really is a reasonable balance in the context of the larger bill.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

I thank Senator GRASSLEY and Senator DURBIN for the great work they have done in building bipartisan support for this bankruptcy bill. I think this is a historic step forward in bringing integrity and fairness and efficiency to the bankruptcy system. It came out of the committee with a 16-to-2 positive vote, and I think that reflects the strong bipartisan support this bill has.

With regard to Senator FEINGOLD's concerns about this provision, it is not for punishment of a lawyer who files these bankruptcy petitions. It simply defines the standard of care they ought to adhere to. We are always having the plaintiff lawyers tell us that they cannot do anything to reduce the standard of care on the part of private businesses. For example, they argue that we must not lower the standard of care for doctors because it might result in a patient or user of their product being injured or somehow being harmed. Nothing can reduce that, but yet at the same time the bar will take as much protection as they can get for anything they do in their professional capacity for which they were hired.

Bankruptcy lawyers are not mere clerks, although the truth is, for those of us who know what is going on, most of the bankruptcy filings in America are done by lawyers who run bankruptcy mills, who advertise in phone books and newspapers and on television and radio, which just a few years ago lawyers could not do. In fact, there is some indication that the dramatic rise in bankruptcy is derived more from attorney advertising and the encouraging of people to file bankruptcy than any other factor. Particularly this appears to be true in light of the fact we have more bankruptcies in a time of strong economic growth and prosperity in this country.

So I say to you, these lawyers have to comfort to some standard of care.

What does Senator GRASSLEY's bill say? It says they ought to be substantially justified in filing their bankruptcy under chapter 7. That is all. What is bad about that kind of standard? And if they are not substantially justified, what happens?

Take for example, a person with a $100,000 income, and let's assume someone sues that person for an automobile accident and wins a $25,000 judgment against them. Although the judgment need not be that high, it could be any amount that the person does not want to pay. So they go to their lawyer and ask him how they can get out of paying it, and he says "file bankruptcy." This will wipe out the debt, although he could have paid it on the income level he has.

When the case comes to the bankruptcy court, they file under chapter 7, which would eliminate all debts. The chapter 7 trustee objects, and they hold a hearing. They present evidence, and they say: "No, you should go into chapter 13 because you do not qualify for chapter 7." And then the judge must go further. Under the Grassley version, the judge must find not that the lawyer made a mistake but he was not substantially justified in filing the petition under chapter 7. Then he can assess the attorney the cost of that hearing—not huge amounts of attorney's fees, just the cost of the hearing that had to be held on the complaint of the chapter 7 trustee.

Let me ask you—it comes down to this—who pays? Who pays for the expense of having to challenge this chapter 7 petition which was not substantially justified? Under Senator FEINGOLD's proposal, it would be an administrative expense. That sounds OK, but we know in this country that there "ain't no free lunches." You have heard that saying. Somebody always pays. Who pays, in this case, the administrative expense? The people who pay will be the ones who are owed money, the creditors, the ones who have not and probably will not be paid all they are owed, and it comes out of the money that goes to them. They pay for the lawyer filing a petition that is substantially unjustified.

When we come down to the choice of who ought to pay, I say the lawyer ought to pay. He ought to be sure of what he is doing when he files the petition. He should know where it ought to be filed. I do not think that presents a conflict of interest. I understand that you could conjure that up as some theoretical possibility, but the truth is, under ethical rules of practice today, a lawyer cannot file a complaint he does not believe to be justified. He is required to do some preliminary work before he files it.

So I do not believe that this would be contrary to the standards that are required currently of lawyers in what they do. And, again, it requires the action of a judge. And a bankruptcy judge knows these lawyers. There is usually a small group of lawyers that file the overwhelming number of bankruptcy cases in their courts, and many are not going to be unfairly abusing these lawyers. However, when a judge sees one who is consistently filing chapter 7 petitions that ought to have been filed in chapter 13, and his trustee has to have hearings and challenge it, and there are not sufficient facts to justify it, then he is going to have the opportunity under this bill to assess some costs against that attorney.

This is not going to bankrupt the attorney. I know of attorneys in Alabama who are running advertisements, who are making $1,000 per bankruptcy case and filing 1,000 cases a year. They are making big bucks off this system. Maybe they are justified in doing that, but they ought to on occasion, when they make the point to go to great expense to hold a hearing, have the trustee challenge what they have done, and then find out they are not substantially justified—they ought to pay.

I hope we will keep the Grassley amendment. The other alternative is to keep the present standard of assessing costs against an attorney, and that is the standard of frivolousness. That is a very high standard, and the net effect of the frivolousness standard is that nobody will ever recover, because it is just very, very difficult to meet that standard.

The bankruptcy judges are not going to abuse these attorneys. It will give the bankruptcy judges a little leverage, a little power to say to these attorneys who are filing cases recklessly without enough thought, causing the creditors to lose money and otherwise abuse the system, that they can bring a little integrity to and have some watchfulness over the system and maintain discipline on the lawyers who practice there.

I understand the Senator's concern about it, but I do not see this as an extreme position at all. I think it is quite consistent with the bankruptcy court. I believe it will help, as Senator GRASSLEY said, make sure people file their petition right the first time. If it is chapter 13, they ought to file in chapter 13, not in chapter 7 on a theory that, well, we will just have a hearing and maybe we will win or maybe they won't object. We need it filed right the first time so we will have fewer proceedings to transfer the action. That is the purpose behind this and I think the Feingold amendment would undermine that purpose.

I thank the Chair for this time. I yield the floor.

Mr. FEINGOLD. Mr. President, it is fairly easy to try to make the words "not substantially justified" sound like a reasonable standard. But what really is going on here is an intrusion into the attorney-client relationship that is very dangerous.

I practiced law for several years before running for the Wisconsin State Senate, and I remember always when looking at a client's argument—first of all, I obviously didn't think I could file any argument that was frivolous. That was prohibited both under the Federal Rules of Civil Procedure and under the Wisconsin Rules of Civil Procedure. But there would be a number of occasions where we would have two or three possible arguments to make. One we might think was our strongest argument, and then another might be our sort of middle argument, and then there might be a third legal argument where it was a long shot but we thought the facts were strong. Any good lawyer would bring all three of those arguments, in most cases, because if a judge found any one of the three to be persuasive, that could be the basis.

I like to think I would have had the courage as a young attorney to go forward with that third argument, even with this provision. But I didn't have any money, and if I thought that bringing that third argument could cause me to be assessed with attorney's fees that would make it impossible for me to pay my mortgage—I am human. I wonder if I would have done what is right, which is to counsel that client: This one is about a 25-percent possibility, but under the right facts, and I think you might have the right facts here, sir, you ought to bring it.

Lawyers should not be put in a position where they believe, except for cases where there is a frivolous claim, that bringing an argument will cause them to have personal harm come to them. That destroys the whole notion of zealous advocacy. This is a serious problem for the relationship between attorney and client, and I really do think to suggest that the "not substantially justified" standard is simply a reasonable restraint does not show an understanding of what really goes on in a situation where a lawyer and client sit down and try to come up with the best argument possible. So I reject that suggestion and again urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire of the proponent of the amendment, and the floor manager on the Democratic side, how much more time will be consumed on the bankruptcy matter this morning? I have a speech which I should have gotten up and offered 15 or 20 minutes ago, before we started this.

Mr. FEINGOLD. Mr. President, I am merely responding to arguments made in response to my arguments. When that ceases, I will cease. I was asked to come down here and offer two amendments this morning. This is the first. If it is in the interests of the Senate that I defer the second to next week, I will be happy to do that, as long as I am assured my opportunity to present it at that time.

I have nothing further to say on this amendment, unless somebody wants to debate it further.

Mr. DOMENICI. I have no desire to prolong the amendments. I will come when you are all finished. I will be here today.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the amendments are complete I be granted 15 minutes for a floor speech.

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

Mr. DOMENICI. I thank the Chair and thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to offer another amendment for myself and Senator SPECTER.

The PRESIDING OFFICER. Without objection, the first amendment offered by the Senator will be set aside.

AMENDMENT NO. 3565 TO AMENDMENT NO. 3559

(Purpose: To provide for a waiver of filing fees in certain bankruptcy cases, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. SPECTER, proposes an amendment numbered 3565 to amendment No. 3559.

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

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

The amendment is as follows:

At the appropriate place in title IV, insert the following:

SEC. 4__. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the parties" and inserting "Subject to subsection (f), the parties"; and

(2) by adding at the end the following:

"(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

"(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

"(3) A filing fee referred to in paragraph (2) is—

"(A) a filing fee under subsection (a)(1); or

"(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

"(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.".

Mr. FEINGOLD. Mr. President, when I heard that bankruptcy was the only Federal Court proceeding in which a poor person is not entitled to file an in forma pauperis petition, I thought there must be some mistake. I found it somewhat surprising, counterintuitive, that bankruptcy, which by definition deals with people who are broke or have very limited funds, does not provide even the poorest of debtors a waiver of the filing fee.

The filing fee for consumer bankruptcy is $175. Mr. President, $175 is more than the take home pay of an employee working 40 hours a week at the minimum wage. Tell me, how are the indigent—those who desperately need bankruptcy protection—going to afford $175 simply to file for such protection?

Congress acknowledged that the bankruptcy system may need an in

forma pauperis proceeding when it directed the Judicial Conference to implement a pilot program in six judicial districts around the nation. This pilot program operated from October 1, 1994, through September 30, 1997, in the following six districts: the Southern District of Illinois, the District of Montana, the Eastern District of New York, the Eastern District of Pennsylvania, the Western District of Tennessee, and the District of Utah. The pilot program was clearly a success. Many of the judges who administered the program, and who were initially skeptical, now support it. In particular the pilot program revealed the following information:

An application for waiver of the filing fee was filed in only 3.4% of all Chapter 7 cases, and the large majority of those waivers were granted. Indeed, the U.S. Trustees Office filed objections to less than 1% of the applications. In other words, only those very few individuals who really needed the fee-waiver applied for it.

The fee-waiver program enhanced access to the bankruptcy system for indigent single women more than any other group. We have heard a great deal about how this bill, S. 1301, will hurt women and children. We cannot strike another blow against single mothers and their children by denying them access to the bankruptcy system because they cannot even afford the filing fee.

The nature of the debt for those who filed for the fee-waiver differed from that of other debtors in that their debts more often related to basic subsistence—education, health, utility services and housing. Moreover, 63 percent of the housing-related debts of those who filed for the fee-waiver owed their debts to public housing authorities. Only one of the debtors who owed a debt to a housing authority did not file for a fee waiver. These findings show that indigent debtors were not filing bankruptcy to escape paying for their boats or their fancy entertainment systems. They were filing bankruptcy merely to subsist. Oftentimes these people use the bankruptcy system simply to prevent homelessness.

There was only a minimal increase in the number of filings, and there was no indication that debtors filed for Chapter 7 rather than Chapter 13 just to obtain the benefit of the fee-waiver program. Simply stated, the debtors typically did not abuse the system.

A nation-wide program would cost between $4 and $5 million in lost filing fees. Projections state that there will be 1.5 million Chapter 7 filings next year. We can, therefore, off-set the cost of a nation-wide program by merely raising the price of Chapter 7 filings by between $2.70 and $3.40. If we increase filing fees for all bankruptcy filings we can reduce that cost to about $2 per filing fee—a negligible amount.

In short, the pilot program was a resounding success.

I offered this amendment in committee, where it was defeated by a 9–9 vote, with all the Democrats supporting it. One concern articulated by Senators who voted against the amendment in committee involved the possibility that, if we implement a fee waiver program, unscrupulous lawyers would advertise "free filings" and make a profit. However, under the program, debtors cannot obtain fee waivers if they can pay their lawyers; therefore, private lawyers would have no incentive to encourage in forma pauperis cases.

Let me repeat that point: debtors who can pay their lawyers cannot obtain fee waivers. Only truly indigent people, those who need bankruptcy protection the most, can have their fees waived.

The Specter-Feingold amendment would build upon the strong foundation established in the pilot program, and direct the Judicial Conference to establish a nation-wide in forma pauperis program for the bankruptcy court system. If we examine the findings of the pilot program we find that: (1) only those who really needed the assistance of the program used it; (2) that there was little to no abuse of the fee-waiver program; and (3) that the program in large measure helped those who needed it to subsist and, in many cases, avoid homelessness.

Given these findings, how can we choose not to implement a nation-wide program? Why did we direct the Judicial Conference to conduct a pilot program if we were not going to use the results to shape public policy? How, in good faith, can we deny bankruptcy relief to those who truly need it—those who cannot even afford the filing fee? I urge my colleagues to support this amendment to restore some fairness in the bankruptcy filing process for the most financially strapped filers. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in strong support of this amendment by the Senator from Wisconsin. He is correct. We tried this across the United States in, I think, six different jurisdictions, to see what would happen. What is at issue here is a person is about to file for bankruptcy and is so penniless that they cannot even afford the filing fee of $175, then in these six different court jurisdictions we waived it. That is what this is all about. We found as a result of that experience they didn't open the floodgates to people coming in filing for bankruptcy. In fact, just the opposite was true. A lot of very serious cases, and those called out for justice, were served by this program.

One of the judges in my home State of Illinois, the southern district, who tried this, Judge Meyers, has written a letter to me and said it was quite a success and he encouraged it be done on a national basis.

If there is anything that distinguishes American jurisprudence from some other countries, it is the fact that we have basically said the court system is open to the rich and poor alike. It is an oddity in our law that we don't allow those who are truly poor to have a waiver of the filing fee so that they can come into bankruptcy court.

Senator FEINGOLD has a good amendment. I was happy to support it in committee. I hope now, because of the evidence of its success across the country that has been shared on both sides of the aisle, it ultimately will be adopted.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who seeks recognition?

Mr. DURBIN. 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. 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.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator KERREY of Nebraska and I be allowed to proceed for 10 minutes as in morning business.

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

A MESSAGE FOR CANDIDATES IN BOTH PARTIES AND THE AMERICAN PEOPLE

Mr. MCCONNELL. Mr. President, I note for my colleagues that the chairman of the Democratic Senatorial Committee and the chairman of the Republican Senatorial Committee are on the floor at this moment, and we have a message for candidates in both our parties and for the American people.

Having served as chairman of the Senate Ethics Committee during the Packwood investigation, and having offered the first resolution of expulsion in the history of the Senate in a case involving sexual misconduct, I am well aware of the bright line that exists between private failings and public wrongs. And, of course, that line is blurred, as it was in that case, and is again in the allegations made against President Clinton when one's public office is used to pursue private misconduct and shield it from legal inquiry.

But if we start turning every instance of past personal misconduct into cannon fodder for our political campaigns, we risk turning our democracy into a nuclear waste dump of slander, gossip, innuendo, and cheap moralizing about other people's problems.

Even without this threat, the multifaceted scandal that currently engulfs the White House represents a crisis of national and constitutional proportions. Our only hope of guiding this country through the next several months without a major catastrophe in our Government, or in our financial markets, or in the world, absolutely depends on our ability to resist the subtly escalating arms race of dirt digging, garbage searching, mudslinging, and poison leaking that is

currently swirling around the Nation's Capital.

Where that awful trend must be resisted first is in our political campaigns. For better or for worse, campaigns are the most direct expression of our Government that people see.

This election, let's make it for the better, not for the worse. Everyone in this body certainly knows that I believe in robust, pointed, hard-hitting campaigns. And I believe those kinds of campaigns are good for our democracy and good for the voters, but only when political campaigns are focused on issues and not on purely private behavior.

So to set the standard, I want to make it clear that the national Republican Senatorial Committee will not fund—will not fund—any candidate who engages in personal attacks on the private problems and past failings of his or her opponent. Digging through their record is one thing, digging through their garbage is quite another. Criticizing someone for their vote on the marriage tax is fair game. Attacking someone for a failed marriage certainly is not.

Let us prove over the next 6 weeks at least that this Congress is capable of fairly and responsibly executing the solemn constitutional duty that may await us in the months ahead.

Mr. President, I yield the floor. I note the presence of my friend and colleague from Nebraska.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I come to the floor, as the distinguished Senator from Kentucky said—as chairman of the Democratic Senatorial Campaign Committee—to make the same commitment that the Senator from Kentucky just made, that our committee will not fund any candidate who uses the personal problems or past failures of their opponent to win their election.

The objective in a campaign is not just to win an office. And we all know in campaigns that there is a temptation to justify every means by the end that is in sight. As the Senator from Kentucky described himself, I describe myself the same way. I am not reluctant or shy to have full contact sport when it comes to campaigns, but I do believe that the ultimate objective of the candidate needs to be to not just acquire the office, but also to serve the larger good of preserving our Democratic institutions, in this case the U.S. Congress.

I have been asked many times, and suspect the Senator from Kentucky has as well, Is this going to have a negative impact on your chances in the fall? He has probably been asked more times, Is this going to have a positive impact on your chances in the fall?

But my answer has always been that my chief concern is that there are good men and women in America today who have thought about running for office—it may be the Senate or a local school board—and they have said, "Gosh, I don't want to go through what I see HENRY HYDE going through. And if I run for office, that is exactly what is going to happen to me. I don't want everything that I have done since I was an infant to be drug out and paraded before the people of my district or the people of my city or the people of my State."

Far be it from me to say that any vote or statement or belief I have should be withheld. They should not be withheld and should be subject to the review and debate and discussion of the people. But my concern and why it is important that my colleague from Kentucky, whose suggestion this was, and I do this in this campaign is that if we do not exercise restraint and show American citizens that we will not fund candidates who use personal problems or past failures to win their office, the institutions of democracy will suffer.

Forget the impact upon political parties. Neither party is going to do very well if citizens increasingly turn off and withdraw and say that "I may do many things for my country, but one of them will not be to be a candidate for any office" because of the fear that they have that something that happened 30 years ago or 40 years ago or 20 years ago—that is irrelevant to the campaign itself and that they have dealt with their family and their friends and their God, in whatever way that they felt was necessary—now becomes drug out into the open.

So I join enthusiastically in making the commitment that we will not fund any candidates who do that. I appreciate that very much because what the Senator from Kentucky suggested serves the interests of democracy, and I am willing, as well, on the part of the DSCC to do the same.

Mr. MCCONNELL. I commend my friend from Nebraska for his statement. We see this matter precisely the same. As for my side of the aisle, I intend to convey this statement to our candidates, both incumbents and challengers, this afternoon with the message that I mean every single word of this statement.

I thank my friend from Nebraska.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3565

Mr. SESSIONS. Mr. President, with regard to the Feingold amendment that deals with the waiver of filing fees for those who file bankruptcy, I think we need to be very cautious about that amendment. It has very serious implications. It has been considered by this Senate numerous times and rejected.

It has been the argument that this is somehow unfair and denies access to the court system. Courts themselves have denied this argument repeatedly. In fact, the United States Supreme Court has rejected this position. Fees run from around $110 to $160. By that time, the filer would have already hired a lawyer, probably for much more than that.

I have here an ad of a lawyer in Texas who says: "Bankruptcy can be a smart financial move." He does not say that bankruptcy is a way to take care of unacceptable debts that you have no chance of paying. This is the what we used to think bankruptcy was for: to help those who, through various circumstances, have found themselves hopelessly in debt. This man says: "Bankruptcy can be a smart financial move."

It can be a smart financial move. You can legally—under the current law—defeat legitimate debts. You can just walk away from them, as this man says "For $350 total." And the truth is, that is why we have increased filings of these kinds of advertisements in phone books, in newspapers, in magazines, in the yard sale publications that are passed out free in this country.

These people go to their lawyers and they quit paying all their debts, and they then file for bankruptcy. Virtually every court filing in America requires a fee. And this is a reasonable fee. This fee has so been upheld by the courts. Somebody will pay for the cost of these filings, if it is not going to be those who use this system, then the taxpayers will pay for it. We are talking about a large amount of money and a drain on the system. Also, it would create a large number of court hearings, adding to an already crowded docket.

I am a critic of our court systems on occasion, but I must say that the bankruptcy courts have, done an outstanding job, Mr. President, in handling an ever-increasing caseload. The caseload has doubled. We have not had a doubling of the judges, but they have used computers, they have used staff people, they have used sophisticated measurement techniques, and they have been able to keep up with their caseloads without a massive expansion of the number of bankruptcy judges. If bankruptcy courts are going to have a hearing on everybody that comes before them to determine whether or not there is any way they can pay their filing fee, then we are going to have to add severe costs to the system and more overloading. Judges, along with lawyers and clerks representing people on both sides will run up expenses that could, in fact, exceed the real cost of the filing fee in this matter.

I understand the sentiments behind this amendment. It is something that has been considered for years, rejected consistently, and upheld by the courts. It is a road we should not go down.

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

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

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending question is the Feingold amendment to the bankruptcy bill.

Mr. BYRD. I thank the Chair.

Mr. President, has the Pastore rule expired for today?

The PRESIDING OFFICER. The Pastore rule will expire at 12:32 p.m.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

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

GETTING BACK TO THE CLASSICS

Mr. BYRD. Mr. President, I was pleased to read an article in the September 15 edition of the Washington Times, titled, "Classics Back in Fashion at Some Schools."

Speaking precisely to the point that I have made countless times during my years in the Senate, this article reiterates the need to get back to the basics in education. I would like to get back to the little two-room schoolhouse in which I started along about 1923. I laud those schools that have taken this valuable step back and are getting back to the basics in order to reintroduce classical education into their classrooms.

Who better to teach our students today than the true historians, the poets, and the playwrights of yesteryear. I long for the old McGuffey readers—I still have a set of those old McGuffey readers in my personal library—where the students read poems and wholesome stories that taught them good morals, how to act, how to grow up and be good citizens. The old McGuffey readers. The historians, the poets, and the playwrights of yesteryear, such as Euripides, Aeschylus, Shakespeare, and Sophocles, who were the four great master poets of tragedy throughout the years and were outstanding as writers of tragic plays, their works were among the classics that have built history, influenced the framers of our Constitution, and can serve to enhance our ability to better understand the present and to set goals for the future.

Today, our students are caught up in the MTV generation—some of them—watching mind-polluting television sitcoms, listening to shock radio, and repeating the degrading language that they acquire by digesting this steady diet of unhealthy perversity.

Sadly, many modern classrooms often offer nothing to counteract this flood of popular junk and ignorance, which are smothering our country's students. The classics have been ignored in recent years and replaced by psuedoliterature filled with profanity and violence, and textbooks which do a better job of teaching I don't know what than basic algebra. It alarms me to think that students cannot even begin to identify the great heroes of our past or the authors of the Federalist Papers.

If our Nation hopes to produce better students, students who can match or outperform the competition in international exams, we must return to the basics, return to the great books and history, such as "Plutarch's Lives," Milton's "Paradise Lost," Milton's "Paradise Regained," Daniel Defoe's "Robinson Crusoe," Emerson's essays, Carlyle's "History of the French Revolution," the Bible, the "Iliad" and the "Odyssey." Alexander the Great kept a copy of The Iliad under his pillow.

It was called the "casket copy". He submitted Homer's "Iliad" to Aristotle, and asked Aristotle to critique it. Then Alexander the Great prized it above all other literature.

Shakespeare's 37 plays: I quoted extracts from Shakespeare's 37 plays one year in the Senate.

These are all replete with the history and philosophy that are integral elements in a well-rounded, uplifting education.

When I talk about an education, I mean one that goes through one's lifetime. It doesn't stop with graduating from high school or from college or from getting a Ph.D. in physics, as two of my grandsons have done. It means continuing to educate one's self throughout one's life.

Solon, one of the seven wise men of Greece, said, "I grow old in the pursuit of learning." That is a goal that all of us should emulate: "I grow old in the pursuit of learning."

I try to follow in Solon's footsteps in that regard. During the last break I read Cicero's "Republic"—not Plato's "Republic." I had already done that some time ago, but Cicero's "Republic," and Cicero's "Law"—and De Tocqueville's "Democracy in America"—two excellent volumes.

Ours is not a democracy. We are talking about a form of government. Ours is not a democracy. We live in a democratic society and we promote democratic principles. But, as for our form of government, it is not a democracy. So many people loosely and glibly refer to it as a "democracy."

One needs only to read the Federalist Papers No. 10 and No. 14, to get a good definition of what is a "democracy" and what is a "republic." Madison, in both of those essays, defines and distinguishes between a democracy, as a form of government, and a republic.

So let us continue to study and to learn. Learning can be one of the most rewarding of the human activities. But it must be a lifelong journey.

It ought to be a lifelong journey which carries one across the rivers of changes in events and into the recesses of man's immortal spirit. There is no better way to build upon shallow and superficial knowledge than to ponder the lessons of the past. There is no better way. As Cicero said, "To be ignorant of what occurred before you were born, is to remain always a child."

I encourage all schools to give their students this opportunity to grow, to share the lessons of the past, to share history, to read ancient history. Herodotus who wrote about Persia, and who wrote about Egypt, lived somewhere between 484 and 424 B.C.—Xenophon, Thucydides, Sallustius, Polybius, Zosimus, Orosius, Ammianus, Appianus, Arrianus, Caesar himself who wrote the Gallic Wars, Florus, Procopius, Eutropius, Cassius Dio Cocceianus, Livius, Tacitus, Plutarch, Gibbon on The Decline and Fall of the Roman Empire. Read histories of England. Of Rome and Greece.

Read these histories, and read American history, and read the history of the U.S. Senate. These are illuminating. They are uplifting. And we can learn by past events how, in many instances, to deal with current events.

Napoleon said, "Teach my son to study history. It is the only true philosophy."

Enjoy the vision of the poets and the philosophers and begin to shape leaders, who can take us confidently into the future because they so well understand the past.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to express my appreciation for the remarks of the Senator from West Virginia, and to take this moment to repeat again to him how much I appreciated his remarkable address earlier this week in the Old Senate Chamber in the majority leader's Lecture Series on the History of the Senate. He had the largest crowd I can remember. He had the rapt attention of virtually every Senator as he shared with us the great traditions of this body. Of course, we know that he has written a three-volume history on the U.S. Senate. On Fridays, I am often in the Chair that the Presiding Officer is in today, and I had the occasion to hear him address this body.

I have written two letters congratulating Senators on speeches, and they have both been to Senator BYRD. I remember one of his speeches talked

about education. He referred to our textbooks as "touchy, feely twaddle." Too often, I think, they don't have or possess the power of the great historians to uplift, causing us to think and dream about heroic acts. He shared with us on one of those occasions his experience in the two-room schoolhouse where he grew up. I thought then of my grandmother who taught in a one-room schoolhouse. I remember the schoolhouse as I was growing up. Although it has been torn down now, I remember in her library—I don't know how she obtained it—was Macauley's "History of England," Gibbon's "The Decline and Fall of the Roman Empire," Shakespeare, and other great literary works. She shared those with the elementary schoolchildren in those schoolrooms.

I am of a belief that they were richly educated in that one-room schoolhouse. There is something more significant than color pictures and videos in transmitting what it is that we are about as a people.

I taught in the sixth grade 1 year, and we used what they called Basil Readers. They wrote stories in little pieces, and at the end of them were a lot of questions, and in each story they would add new words. It was all scientifically done, you see. It was to teach them vocabulary and things of that nature. But the children hated them and would not read those books. And around the classroom—it was an old class school—there were a lot of books like I had in my schoolroom—Daniel Boone, the old bluecoat, the Hardy Boys, Tom Swift. And so I started encouraging them to read those books, and they loved them because they were stories that had some meaning and some adventure and showed people in situations which required courage.

At any rate, I say to Senator BYRD, thank you for sharing your opinions with us. You can have a $500 textbook, but if it has no moral message, no meaning to it, does not uplift the spirit and no one wants to read it, then that textbook is not worth very much. Too often I think that is the problem with modern education.

I, again, say how much I appreciate the Senator's remarks and the Senator's leadership in this Senate.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I express my deep appreciation to the distinguished Senator for his comments. It has been my privilege to serve over these 40 years in the Senate with some great Senators from Alabama.

Senator James Allen was an expert in the rules and procedures. He had been Lieutenant Governor of Alabama, and I believe he told me that as presiding officer over the Alabama lower house, I believe it was, he used the rules of the U.S. Senate. He certainly was very conversant with the U.S. Senate rules, a master of the rules of the Senate, a very able man, and courageous. He had no difficulty in taking a stand even if he stood alone. We were sorry at his untimely passing.

There were other great Senators from Alabama—John Sparkman, who promoted and wrote important legislation dealing with housing; Lister Hill. I can see Lister Hill—that is his desk, I believe it was that desk right there—speaking. He had a fine way of speaking. I believe he told me that he had been named after Dr. Lister—a great English surgeon, Dr. Lister. Senator Hill told me, if I am not mistaken in my recollection, that Dr. Lister had performed an operation on a man who had gangrene in one of his legs. They didn't have the anesthetics in that day and time that they have today. This man went through this excruciating experience and then wrote the poem "Invictus." And the surgeon was a Dr. Lister. Senator Hill was given the name Lister, after that great English surgeon.

I am proud to recall these fine Senators from Alabama who were here when I came to the Senate. I have lately come to appreciate the work of the distinguished Senator who is now standing at the desk of the majority leader, and I appreciate his kind words. I have treasured his letters, and I know that ours is a friendship which will be a lasting one. I shall cherish it.

I thank him for relating his experiences in the little country schoolhouse. It doesn't have to be a massive building with beautiful columns and hallways decorated with shining pieces of furniture. The teacher makes the school. James A. Garfield, hearkening back to his schooldays, said that if he had his old teacher, Mark Hopkins, on one end of the log and he himself on the other there was a university. Those are not the exact words, but they were well spoken.

I am trying to remember a poem about a teacher. It doesn't come back to me just now, except in part:

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.

* * * * *

But the temple the teacher builded
Will last while the ages roll
For that beautiful unseen temple
Was a child's immortal soul.

I thank the distinguished Senator.

I yield the floor.

Mr. SESSIONS. Mr. President, I thank the Senator from West Virginia for his comments. I do share his views about teachers. My grandmother, in her first job—and I have a photograph of the class—had a real rough looking group of poor kids, no doubt. But in that group was an individual who may have been somewhat inspired by her and who went on to become a U.S. Congressman, Frank Boykin, a man of some note. I always claim that whatever he learned, he learned in that first through sixth grade schoolroom when she taught there.

So I think teachers do inspire us. Good teachers understand and are knowledgeable and learned people themselves, and they can then share that. Sometimes I think we spend too much time on process rather than on substance.

I again express my appreciation to Senator BYRD for his leadership of this body, this Senate, for reminding us on a regular basis of what we are about, our heritage here, and calling us to our best and highest instincts.

Thank you, Senator BYRD.

Mr. BYRD. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PREVENTING CUTOFFS OF SATELLITE TV SERVICE

Mr. LEAHY. Mr. President, I have heard from scores of Vermonters lately who are steaming mad. They have been told by their home satellite signal providers they are going to lose some of their home network satellite channels just as the new TV season starts. They have every right to be upset, because it is within the ability of Congress to unmuddle the mess that satellite viewers are facing. The public has every reason to expect Congress to get its act together to do that, and to do it quite promptly.

Under a court order, thousands of viewers, many of them living in my home State of Vermont, are going to be cut off from receiving TV stations. These are TV stations, incidentally, that they are paying to receive. We have 65,000 home satellite dishes in Vermont. The court order directly affects only those subscribers who signed up for service after March 11, 1997, but most subscribers are being warned by the signal providers they are going to soon lose several of the network channels they now receive, several of the network channels they expected to receive, several of the network channels they are paying to receive.

In a rural State like mine, there are many, many areas where the only way you can receive television is by satellite dish. This huge policy glitch is intruding right now into hundreds of thousands of homes throughout the country. It is a royal mess, and Congress and the FCC need to fix it.

I introduced a bill in March of this year with Chairman HATCH of the Judiciary Committee so we could try to resolve this issue before it became a major problem. We have tried since then to push Congress to find a solution. But many viewers have lost their signals already. We are trying to get these bills passed in the next couple of weeks to restore service and to keep other households from losing their satellite TV signals, not just in Vermont but in every State in this country.

I am pleased Senator HATCH and I have worked out arrangements with the chairman of the Commerce Committee and other Senators who have been active on this issue, including Senators DEWINE and KOHL, and what we have worked out significantly raises the prospect that Congress can soon pass a bill to prevent the cutoff of thousands of viewers this month and in October. The good news is that we hope and believe that all Senators can support our approach.

Our legislation would keep signals available to Vermonters and subscribers in other States until the FCC has a chance to address these issues by the end of next February. Our legislation will direct the FCC to address this problem for the future. In fact, our proposal ultimately will mean, as technology advances, that Vermonters will be able to receive satellite TV for all Vermont full-power TV stations, and viewers in other States will be similarly protected. Where this helps all of us is that this effort will eventually promote head-to-head competition between cable and satellite TV providers.

The goal is to provide satellite TV viewers at home in Vermont with more choices, more channel selections, and at lower rates. The evidence is so clear from our hearings: In the areas of the country where there is full competition between cable providers, rates to customers are considerably lower. The same is going to be true when there is greater effective competition between cable providers and satellite signal providers. Over time, the effort will permit satellite TV providers to offer a full selection of local TV channels to viewers—even those living near Burlington, VT, where local signals are now blocked.

I live about 25 miles from Burlington. I get 1½ channels. There are three stations, three network stations, in Burlington. But because I am out on the side of a mountain, I get 1½ channels. Under the rules they are talking about, I would not be allowed to get satellite TV to have those same networks. It is ridiculous. It defies reality. But our legislation will cure that.

Under current law, those families have to get their local TV systems over an antenna. If their situation is like mine, it does not give you a clear picture. These bills we now have before us will remove that legal limitation that prohibits satellite carriers from offering local TV signals to viewers.

What we want is this: That over time, satellite carriers will have to follow the rules that cable providers have to follow, which means they will have to carry, in our case, all local Vermont TV stations—and the same in other States. In addition, Vermont stations will be available over satellite to many areas in Vermont like my own that today are unserved by satellite or by cable. And the second major improvement offered through our legislation is satellite carriers that offer local Vermont channels in their mix of programs will be able to reach Vermonters throughout our State.

People who have spent money on satellite dishes do not know how this thing could become as fouled up as it is. Frankly, I do not either. But I do know that we can correct it, and our legislation will. It is time for this Congress to step up to the plate and solve this policy nightmare. It is now at the door of countless homes, not only in Vermont but throughout the country. Constituents should know they should not have to take, "Well, not now," as an acceptable answer. We have plenty time left in this Congress to correct this.

I commend Senators HATCH and MCCAIN for the leadership they have shown in solving this problem. I am going to continue working with them and I think we are going to get somewhere. I certainly hope we are going to get somewhere, because I don't want to have to tell my neighbors that the Congress has so much time for so many other things but cannot take some time to fix something that directly affects so many hundreds of thousands of people throughout the country.

FORTIETH RATIFICATION OF THE OTTAWA LANDMINE TREATY

Mr. LEAHY. Mr. President, in October of 1996, I was privileged to participate in a conference in Ottawa hosted by Canada's Foreign Minister Lloyd Axworthy. I was there with Tim Rieser of my staff who has done so much work on the issue of banning landmines. We were also accompanied by Bobby Muller, the head of the Vietnam Veterans of America Foundation, a man who was way ahead of most of us in pushing for a ban on antipersonnel landmines.

The purpose of the conference in 1996 was to chart a strategy culminating in a global treaty banning antipersonnel landmines. The Ottawa process was conceived of by Canada and a number of other governments that were fed up with the failure of previous efforts to seriously deal with the mine problem.

Over 70 governments and dozens of nongovernmental organizations accepted Minister Axworthy's invitation to Ottawa. At that conference, to the surprise of everyone present—but certainly to my delight—Minister Axworthy took the courageous step of challenging the world's governments to return in a year's time to sign a treaty that would accomplish nothing less than a total ban on antipersonnel landmines.

It was that bold challenge which enabled the international community to finally move from rhetoric to action. In December 1997, just barely over a year later, 122 governments returned to Ottawa to sign a treaty banning the production, transfer, and use of antipersonnel mines forever.

During the previous year, the United States had refused to participate in the treaty-drafting process. In fact, some U.S. officials dismissed the Ottawa process as a "sideshow." They predicted that without U.S. support, the Canadian effort would eventually run out of steam. They predicted that this treaty would never take effect.

In fact, Mr. President, the opposite happened. A few days ago, Burkina Faso, one of so many African countries whose people have been maimed and killed by landmines, became the 40th state to deposit its papers of ratification with the United Nations, triggering the 6-month period before the treaty formally comes into force.

What many once dismissed as a naive and far-fetched dream is now a reality. In fact, today the treaty has some 129 signatories, including every NATO country, except the United States and Turkey, and every Western Hemisphere country, except the United States and Cuba.

Mr. President, this is a historic achievement. It is, I am told, by far the shortest period of time that any humanitarian law or arms control treaty has come into force. It is indicative of the tremendous sense of urgency and determination that has grown around the world to stop the carnage caused by landmines.

But more than anything, it is a tribute to Minister Axworthy, the Government of Canada, the International Campaign to Ban Landmines, landmine survivors, and all the other governments, the U.N. Secretary General, and U.N. agencies like UNICEF and UNDP. It indicates the commitment of people like the late Princess Diana, Queen Noor of Jordan, the former coordinator of the International Campaign to Ban Landmines, Jody Williams, and so many others who have worked so hard to end this scourge.

The treaty's significance is in its simplicity. It establishes a new, unambiguous international norm. The 20th century saw large portions of the globe contaminated by landmines. Two days ago, a process was formally set in motion to reverse that legacy in the first years of the next century. It is a gift to the next generation, and generations beyond.

The treaty is a beginning. There are still many millions of mines buried in

the ground waiting to be triggered by an innocent footstep or a curious child. Many of the treaty's signatories were once producers, exporters and users of landmines. They are no longer. The parties to the treaty have also pledged to get rid of the mines in the ground, and the United States, to its credit, and many other governments and organizations are already hard at work at demining.

I had hoped that the United States would be among the 40 original parties to the treaty. That was not to be, but I have no doubt that the United States will yet sign, and I resolve to work with the administration to reach that goal as soon as possible.

Mr. President, I have traveled throughout the world and have seen the damage caused by landmines. I have been impressed by the dedication of Tim Rieser in my own office who has given so much of himself to this. My wife is a registered nurse, and she has gone into the hospitals and to the clinics run and funded by the Leahy War Victims Fund. She, too, has seen the damage caused by landmines.

This is a weapon that is often used against civilians. It is a weapon that stays in the ground long after the peace agreements are signed, the armies have left the field and the soldiers have been disarmed. It is a weapon that waits for its victim to pull the trigger by stepping on it, stumbling on it or brushing up against it. It is a weapon that is no longer needed, certainly not by the United States, the most powerful nation on Earth.

We have to understand that in the end, whether it is a child in Honduras, a farmer in Mozambique, or an American peacekeeper in Bosnia, we all stand to gain in a world in which landmines are banned and their use is a war crime.

Mr. President, I have been privileged to do many things in my time as a Member of the U.S. Senate on issues that involve us both domestically and worldwide. It is hard to think of anything that has been more of a privilege than working on the landmine issue. Certainly nothing has made me more proud than authoring the first piece of legislation passed anywhere in the world banning the export of landmines—the export moratorium.

Today, Mr. President, I compliment those who have gotten us this far. As I told Minister Axworthy when I talked to him on the phone a couple evenings ago, we would not be here if he had not made the brave, bold move that he did in Ottawa in 1996. I still recall the reaction when Lloyd Axworthy launched the treaty effort in the Fall of 1996. He said, "Let us come back in a year with a landmine treaty." Indeed, they did. Indeed, that is where the world is now. Indeed, we are all better for it.

Mr. President, I see nobody else seeking recognition, so I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

COMPLIMENTING SENATORS RICK SANTORUM AND BOB SMITH

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Pennsylvania, Senator SANTORUM, for his leadership in trying to override the President's veto of the partial-birth abortion ban; also, Senator BOB SMITH from New Hampshire. Both of those individuals put a lot of energy, a lot of their heart, in an effort to overturn a very cruel practice which, unfortunately, continues today because of the President's veto.

Mr. President, I yield the floor.

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

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

Mr. DOMENICI. I ask the Senator, how long do you intend to speak?

Mr. BAUCUS. Very, very short, I say to my friend from New Mexico—4 or 5 minutes.

Mr. DOMENICI. I thank the Senator very much.

ENDANGERED SPECIES RECOVERY ACT

Mr. BAUCUS. Mr. President, I would like to report briefly on the effort to bring up the Endangered Species Recovery Act, S. 1180.

When we were debating the Interior appropriations bill on Wednesday, Senator KEMPTHORNE, the Senator from Idaho, indicated that he planned to offer an amendment that would largely embody the substance of S. 1180.

I strongly support S. 1180. But we are no longer considering the Interior appropriations bill, and it is not clear whether we will again. I think the far better approach is to take up S. 1180 as a freestanding bill. After all, that bill was reported on October 31, 1997, almost 1 year ago. It is a solid bill, it is balanced, it is good for endangered species, and it is good for private landowners. It has bipartisan support. The vote in the Environment and Public Works Committee was 15–3. The bill was supported by every Republican member of the committee and by a majority of the Democratic members. The bill is also strongly supported by the Clinton administration.

To my mind, there is no good reason why we cannot bring up S. 1180 for debate on the Senate floor. Moreover, that approach has two important advantages over trying to attach it to the Interior appropriations bill.

First, we do not have the Interior appropriations bill. That is one big difficulty. In addition, bringing up S. 1180 as a freestanding bill assures full and fair debate and an opportunity for amendments. We are likely to get amendments from the left, from the right, from the middle, and who knows where. I am sure that we can work out most of them.

Of course, I will oppose amendments that would disrupt the balance of the bill. That is the agreement I reached with Senator KEMPTHORNE and Senator CHAFEE, Interior Secretary Babbitt, those of us who put this bill together; that is, oppose amendments that would disrupt the balance achieved in the bill. But every Senator should have a shot. In the end, such a process, I believe, will increase support for the bill.

In addition, this approach—bringing it up as a freestanding bill—assures that the bill will be taken up under the leadership and jurisdiction of the Environment and Public Works Committee, and that includes any conference with the House.

Members of the committee have worked long and worked hard—over several years, I might add—to develop this legislation. We should follow through rather than hand the bill off to an Appropriations Committee that is already bearing such heavy burdens as the fiscal clock winds down.

S. 1180, I say to my good friend, the Presiding Officer, is on the calendar. Here is the calendar. S. 1180 is on it. It has been on the calendar for almost a year. It is a good bill. We can be proud of it. We should take it up as a freestanding bill.

So where do things stand today? Yesterday, both Cloakrooms asked Senators whether they wished to offer any amendments. On our side there are about 20. I am now beginning to review the amendments and discuss them with Members and their staff to see if we can reduce that number. The majority is doing the same.

It is my hope, Mr. President, that, working with the chairman of the committee, Senator CHAFEE, and the majority and minority leaders, we will be in a position to bring the bill up, for debate and for amendment, within a matter of days. For my part, I will do whatever I can to make this possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

OPPORTUNITY FOR PEACE—ELIMINATING TONS OF WEAPONS GRADE PLUTONIUM

Mr. DOMENICI. Mr. President, I traveled to the recent Summit meeting in Moscow. At that Summit, a protocol was signed that will, if successfully implemented, safeguard 50 tons of Russian weapons-grade plutonium and transform it into new forms that should ensure that it is never again used in nuclear weapons.

I've placed special emphasis on this agreement for many months, and I invested a great deal of personal effort to achieve success. I welcome these recent steps. At the same time, I recognize that this protocol only creates an opportunity for real progress, we have to go far beyond just signing the protocol to secure the benefits that it can provide.

I've spoken out in the past on the need to ensure that Russian stocks of weapons-grade materials do not find their way to terrorists or rogue states. The current financial crisis in Russia only adds further emphasis to these concerns. The former Soviet Union relied on guards and guns to safeguard their fissile materials. Now those guards may not have been paid for months—that has to increase our concerns. At the Summit we certainly heard about the tremendous burdens being borne by the Russian people from the current economic uncertainties and rampant inflation.

Some programs already exist to improve the protection of nuclear materials. The Materials Protection Control and Accounting program is demonstrating some real successes in improving this situation. But the current opportunity to remove 50 tons of weapons-grade material from potential weapons use is most unique. I've worked to be sure that we quickly seize it. In fact, my visit to Russia in July with Senators THOMPSON and GRAMS was motivated largely by my interest in finding ways to progress more rapidly with this 50 tons.

After that visit in July, I spoke with you about my misgivings with the Administration's plan to couple the rate of weapons dismantlement to the rate at which the weapons-grade plutonium could be used in reactors, as mixed-oxide or MOX fuel. At that time, the Administration was planning for Russia to use about 1.3 tons of this material per year in a set of Russian reactors. I argued that this was far too slow a rate. It would take 35 years to dispose of the 50 tons at that rate—none of us can be the least bit sure that the current window of opportunity for progress with Russia will stay open anywhere near that long.

In July, I proposed that we structure an agreement that decouples the initial steps in dismantlement from the final step of reactor use. Specifically, I believed that the Russians would accept a program that targets a goal for moving 10 tons per year of weapons-grade plutonium through the weapons dismantlement step, through conversion of classified shapes into unclassified ones, and into safeguarded storage. These steps have the effect of significantly reducing the risk that this material will be re-used in weapons.

We still need to proceed with the final disposition of the Russian plutonium in reactors, and I want to accomplish that step as rapidly as possible as part of our overall integrated program on plutonium disposition. But construction of MOX fuel fabrication facilities, plus limitations on the number of reactors in Russia that can accept MOX fuel, will lead to slower progress for this final step.

I discussed this approach with President Clinton in late July and encouraged that plutonium disposition be a focus of his next Summit. I appreciate his willingness to include this subject at the Moscow meetings.

I've just recently corresponded again with the President to outline my suggestions on key principles that should guide our negotiations of the detailed agreements required to implement the new plutonium disposition protocol. In that letter, I repeated my strong advice that he appoint a special envoy charged with the entire plutonium disposition effort. This program requires coordination across multiple federal agencies, as well as negotiations with Russia and the G–7 countries. In my view, an envoy who commands domestic and international respect, and who clearly has Presidential authority, is essential to expedite success.

I listed six key negotiating points in my letter to the President. First, I emphasized that agreements must focus on rapid progress for the initial steps of the process, the dismantlement, conversion of classified shapes, and the safeguarded storage. These steps can and should be targeted at a rate of 10 tons per year.

Second, all milestones that we establish to gauge progress must include sufficient transparency that we can be positive that agreed-upon steps are accomplished.

Third, Russian plutonium must eventually be used in MOX fuel, but the rate for this step will be much slower than 10 tons per year. Nevertheless, we need to make progress toward this ultimate goal and this step must be part of the overall integrated program. I also noted that in my conversations with Russian leadership, they are very sensitive to achieving the best utilization of their plutonium. They believe that new generations of reactors can best utilize some of their plutonium. I believe that we should respect their interests, as long as the weapons material is always stored under effective safeguards while awaiting eventual use.

Fourth, we should minimize the construction of new Russian facilities. We should seek and perhaps help to convert some existing Russian facilities. For example, some of their weapon production facilities should be converted to weapon dismantlement.

Fifth, it is important to involve the other G–7 countries. Plutonium represents a global risk prior to disposition and careful disposition of plutonium is a global benefit. For that reason, we should encourage meaningful participation from our G–7 friends as we work together on these goals.

And finally, we should assure that any U.S. resources that subsidize the Russian Federation's program are provided only upon assurance that tasks and milestones were satisfactorily completed.

It will be a challenge to negotiate agreements that follow these six points, but it is essential that we promptly start serious negotiations. I'm pleased to be informed by the Administration that the first discussions with the Russians on this subject will occur very soon.

In closing, I want to note that this current emphasis on disposition of excess weapons materials is only one action in what I hope will be a long series of important steps toward dramatic reductions in global risks and tensions. This agreement is important, but it has to be followed by more agreements. Each of these subsequent agreements must be carefully and fully implemented, and should target further reductions in the large world-wide stocks of weapons materials.

In order to achieve these reductions, new agreements have to be in place to inventory global sources of fissile materials; and obviously all nations will eventually have to participate to achieve real success. Other future agreements need to provide reliable counts of actual warheads, and eventually to dramatic reductions in the numbers of such warheads.

Our long term goal should be a world without nuclear weapons, but that goal will only be achieved by many many years of patient progress toward intermediate goals. Each step along this journey must be focused on further reductions in global tensions and in risks of international conflicts.

In the near term, I am committed to the importance of the disposition of the current 50 tons of Russian excess weapons-grade plutonium. We have a golden window of opportunity to rid the world of materials for thousands of nuclear weapons, we must not squander the chance.

I thank the Chair and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Mexico.

He is truly a treasure for this Senate and the country in his knowledge of matters involving nuclear power and weapons. His leadership in this crucial area could in fact help us to avoid a tragedy in the future, and I think it is wonderful that he is continuing to show leadership on this important issue. I express my appreciation to the Senator.

Mr. DOMENICI. I thank the Senator.

THE INCREASE IN BANKRUPTCIES

Mr. SESSIONS. Mr. President, there are a number of problems that have contributed to the increase in bankruptcies in this country. We are now considering what I believe to be a historic and exceptionally fine bankruptcy bill. It came out of the Judiciary Committee with a 16–2 vote, demonstrating overwhelming support from Democrats and Republicans. This legislation is something that we need to pass. But in some ways, the filing of a bankruptcy petition is the cleaning up of spilled milk. The milk has already been spilled, and it is difficult then to have any kind of fair and just determination or allocation of assets, and many problems arise from it.

What we need today is more people who manage their money well. The generation that grew up during the Depression, like my father and mother, knew how to manage their money. They were cautious. Maybe they didn't make great sums of money and great investments, but they took care of themselves and their families through frugal living—and I mean frugal living. In my background, oftentimes it was very tough for us to fund the things that we felt we would like to have. However, what we have is a generation that has not been taught how to manage money.

Today, more people have credit available to them. Frankly, I am not one of those who says the problem is that you can get access to credit. It would be a terrible thing in this country if you could not get a credit card, if you had to have a $40,000-a-year income before anybody would give you a credit card. A credit card is a very valuable thing for a person on a low income when they are trying to work and take care of their families. When they have a flat tire or a $400 car repair bill and they don't have $400 in their pocket, they can use a credit card to pay for it now and the pay it off over a period of months. This way they would not have to deny their family food, or not be able to get to work because of an automobile that he does not have the money to fix. Those are the kinds of things that are good.

I don't see how we need to be critical of the fact that many credit card companies are offering cards. For the first time, credit card companies are beginning to get competitive. I have been very displeased with the high rates of interest some of these cards charge. For the first time now, they are soliciting business and offering lower interest rates. I think that is a good thing, also.

But, fundamentally, we get into trouble because we don't have enough discipline and ability to manage the debt that we face. The way to deal with bankruptcy, fundamentally, is to educate the public on how to manage money. So this bill, for the first time in history, provides debtor education. It provides it both before filing and before you can be discharged from bankruptcy.

I was pleased to offer the consumer credit counseling amendment. I was very pleased, and thrilled, actually, that it received so much support and was made a part of this bill.

Let me just say this, Mr. President. I live in Mobile, AL, and I began to talk with people I know and respect about debt matters. I served with and go to church with an individual who is a bankruptcy administrator in Mobile. I know some of the bankruptcy judges. I have spent time talking with them about the problems with bankruptcy. Mr. Travis Bedsole and I both taught the same Sunday school class together over the years. We had some heart-to-hearts about what we really ought to do that would help people. When you have the ads that you see in the newspapers and on television, "Come down, and, for $350, we will wipe out all your debt," that may work just like that advertising lawyer says, but it will not leave that debtor with a better understanding of how to manage his money.

What I found was that there are alternatives to bankruptcy. Mr. Bedsole and I went to meet Sandra Dunaway in Mobile, who has a credit counseling agency. Families, married individuals, people in trouble, go to credit counseling agencies. Then, counselors sit down with the people who need assistance and help prepare a household budget; the lawyers don't do that. They look at all their debts and interest rates and figure out a way to save interest rates.

Credit counseling agencies even have the ability—because of their prior relationships with banks and credit card companies and other financing companies—to call those institutions and say, "This person is in credit card debt; they are paying 16 percent interest to you. We believe we can work them through this if you will cut your interest rate to 7 percent." They can actually reduce payments in various ways through negotiations with creditors. Often, creditors will cooperate with that. Then they help the debtor develop a family budget. Sometimes they will have them put their paycheck into the credit counseling department's account, and the counselor will pay the checks to the creditors and give the family what is left over for their normal needs and make sure they have enough to meet their household needs in that fashion.

If they can't absolutely work their way out of this debt crisis, then they advise them to seek an attorney and file for bankruptcy. What we have discovered is that this sytem works. They tell me that there are a number of different things that are at work here. One of them is gambling. Many people are filing bankruptcy today because of the proliferation of gambling. They are addicted to gambling, and they are losing large sums of money gambling, and their families are suffering from it. So sometimes the way to help a family is to make sure they are connected with Gamblers Anonymous or some other State agency or private organization that can help those addicted to gambling. Sometimes there is a drug problem or an alcohol problem in the family, and these credit counseling agencies, who are United Way agencies, for the most part filled with people who care about the individuals, in a service mentality, not just to get the money and file bankruptcy, but help them go to Alcoholics Anonymous or to drug treatment and get in contact with mental health agencies if there is a mental health problem in the family, and seek other forms of assistance that are already available in the community and then help that family develop a plan to get through this financial crisis.

It is a good thing and a lot of people see these ads: "Bankruptcy Can Be a Smart Financial Move"—from $350 and up. This ad has another thing in there, by the way. "Divorce, $300, including court appearance." "Injuries, sexual harassment at work, call us. $350." So they test that. They have a paralegal administrative assistant who meets with the person and they fill out all the bankruptcy forms. The lawyer may never even see them. He takes the forms. It looks OK. He takes them down to the court, files the forms, and, boom. They go to bankruptcy. There has been nothing done to deal with the fundamental problem that causes them to be in the circumstance they were. So credit agencies are really good. People do not realize it. They are in almost every city and midsized town in America. Credit counseling agencies are readily available.

This bill says before you file bankruptcy we require that you go by and talk with a credit counseling agency. But before you commit yourself to the lawyer and filing of the bankruptcy and paying his fee, go talk to that credit counseling agency. You just may find that they have the ability to help you work through this thing, that they will help you get some creditors to withhold demands of payment, allow you to get caught up, help you set up a budget, and help you figure a way to

get a side job, or to do the kind of things that most families do to work their way out of debt. When they do that, it can actually strengthen the family.

Mr. President, there are some very dramatic numbers on this. But it is a major reality that a very large number—in fact, I think the highest number of divorces in this country are caused by financial disputes and arguments over finances. So this can help strengthen families and hold families together.

I am a real believer in credit counseling. It convinced me. I spent several hours talking with them about precisely how they do that. We got a number of people from my church together. We met three or four times. We want to develop a program that helps train people even more in depth about how to manage their property and finances as well so that bankruptcy won't be facing them.

Some have said that this amendment was opposed by the Federation of Credit Counselors, a national federation that has crediting standards, and that sort of thing. But that is not true. We have met with them. This amendment has been refined so that it has, I think, broad-based support by now virtually everyone. I am convinced that it has the potential for the first time to reduce the ever-increasing number of bankruptcies being filed, and for the first time they will have the government move more people from a strictly legal situation into a situation in which people care about them personally, who will be working with them personally, who confront their problems that exist within their family, and to help them figure a way out of it. I am really excited about that. It does not require a judge to order this to happen. If there are no legitimate or effective credit counseling agencies in the local communities, the amendment would not apply. But I am confident that in most areas it would apply.

Another thing this new bankruptcy bill does that is excellent is it requires that those who file bankruptcy complete a financial management course prior to receiving their discharge from bankruptcy. This is going to put a new burden on the bankruptcy courts. But many of them have already moved in this direction and are working in this direction.

I believe we owe a responsibility to those who had a circumstance in which they were unable to meet their debt to give them some training and education in how not to come back again. The truth is we have found a very large number of repeat filers in bankruptcies. Some districts have reported that 40 percent of their consumer bankruptcies are repeat filers. We know that it comprises more than 10 percent nationally. This problem will not go away if we don't do something to confront them in this process when they are seeking this relief. We want to confront them with their difficulties and help them establish a way to avoid coming back to bankruptcy.

That is the kind of thing that I think would deal with the fundamental problem of debt in America.

Mr. President, I believe that the Grassley-Durbin bankruptcy bill is an excellent bill. I believe that the 16-to-2 vote that it achieved coming out of committee is a strong testament to its fairness and objectivity and its ability to improve the bankruptcy court system.

I believe for the first time we will be reaching out to these individuals and families who are in credit difficulties in helping them change their lifestyle and helping them find ways to deal with the problems—sometimes the fundamental, root causes of their financial difficulties so that they won't have to face this problem again; in fact, perhaps to be able to live in a family that is not always squabbling over money, that maybe does not break up because the family has figured out a way to handle its resources in a wise and good manner that would benefit children and the entire family.

Mr. President, I believe that we are on the cusp of the opportunity of a great bill. I thank the Members of this body who have worked so hard to achieve it. I believe that we will pass it, that it will be law soon, and that this Nation will benefit from it.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

THE MULTICHANNEL VIDEO COMPETITION ACT OF 1998

Mr. JEFFORDS. Mr. President, I rise today to announce my full support for and co-sponsorship of legislation introduced yesterday by the Commerce Committee Chairman, Senator MCCAIN, that will fix a vexing problem that is causing citizens in my state of Vermont and throughout the country to lose their access to television network programming.

Mr. President, Vermonters are contacting me saying they are very frustrated to be caught in the middle of a legal battle between broadcast and satellite television providers. In many parts of Vermont, and especially in the winter, television is our access to the world. As a satellite dish owner myself, I know that in many parts of Vermont, it is impossible to view television progamming without cable or satellite television service. Vermont's many mountains and valleys can enable one homeowner at the top of a hollow to receive a broadcast signal just fine, but his neighbor down in the hollow needs a satellite dish to receive anything at all.

I am hopeful that this legislation will fix these problems quickly and fairly. I believe Senator MCCAIN's bill will both protect the rights of local broadcasters while ensuring that Vermonters do not have their satellite service unfairly cutoff. I urge its quick passage.

Thank you, Mr. President. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

THE BANKRUPTCY BILL

Mr. SESSIONS. Mr. President, we have spent most of the morning talking primarily about the bankruptcy bill that will be before us. We have done a lot of work on that bill, and there are some complicated and difficult issues involved. People have raised many objections and questions. The managers have done an outstanding job in trying to confront those objections and questions and tried to modify the bill, often on the spur of the moment, to deal with the potential objections. I have supported that. I have supported the managers' amendment that deals with many of these things. But there are a number of issues that still perhaps need more evaluation.

I think one of the things we need to discuss is a mandate that we have now in the bill which tells the credit card companies a lot of new information that they must provide on their financial statements, including how many months a person would need to pay at the minimum payment before the credit card debt would be fully paid off. That may be a good idea, but I wonder, Have we actually asked these private companies how difficult that is going to be for them? Will we get the kind of benefit from it that we hope to get? Will it be worth the additional numbers that are required to be put on the form? Have was asked them how much will it cost? That cost, of course, will ultimately be passed on to the consumers.

Some of those financial statements have become so complicated that you hardly know how to look at them when you get them. It may be that this is the kind of amendment we want to have. But I did want to suggest that, regarding this requirement that we have added without any hearings having taken place, we might need to ask the conferees to look at it. There may be a number of other issues of like note that need to be looked at in conference as well.

Fundamentally, I believe the managers' amendment is a healthy thing,

and I certainly support Senator GRASSLEY in his efforts to move this bill forward.

LOUISIANA REQUEST FOR DISASTER ASSISTANCE

Ms. LANDRIEU. Mr. President, over the past several weeks the senior Senator from Louisiana, Senator BREAUX, and I have expressed grave concerns about the pending economic crisis that Louisiana and other Southern states face as a result of the worst drought in Louisiana and the South's history. Earlier this week, more disturbing information was brought to our attention by Terry Smith, a second generation farmer, cotton gin manager and marketing consultant from Jonesville, Louisiana who testified before a hearing called by Senator DASCHLE on the farm crisis. The plea by Mr. Smith and others in Louisiana is a wake up call. If the Congress fails to respond to the natural disaster crisis in the South for this crop year, not only will farmers be forced into bankruptcy, but banks, hundreds of small businesses and the rural economy that is supported by the agriculture industry will suffer greatly.

Mr. President, Louisiana began the year with record rainfall during the Winter and early Spring followed by the hottest Summer on record. Just during the last three months, Louisiana has had 71 days of 97 degree or higher temperatures with 36 days higher than 100 degrees. Things are not looking any better and we are told that with the past and current extreme weather conditions the current loss estimates of $450 million are expected to increase even more during the coming weeks. This is not good news especially for Louisiana corn, cotton, soybean and livestock producers in North Louisiana who have been hit hardest.

To explain the difficulties that Louisiana farmers are experiencing I would like to take a few moments to highlight some of the high points of Terry's remarks. His recent statement very clearly tells the story of the projected impact this natural disaster has had on thousands of family farms and the future economy of some of the poorest areas in Louisiana. Specifically, his testimony focuses on the economic losses projected for Louisiana's major row crops—corn, cotton and soybeans.

Mr. President, corn farmers in Louisiana under normal weather patterns are able to produce about 100–200 bushels per acre for non-irrigated corn. To date, the best corn yields in Louisiana have been in the 40–50 bushel per acre range. In addition, a large percentage of Louisiana's corn crop is infested with aflatoxin, a toxic mold that results from heat stress and is harmful to humans and animals at certain levels. Due to the toxic nature of this mold, corn harvested with aflatoxin in excess of 20 parts per billion can not be sold to most grain elevators. The grain elevators that will except infested corn is only paying $1.00 per bushel—less than half of what is needed to cover the farmer's production costs. Therefore, the farmer has two options—(1) sell the crop at discounted price of $1.00 an acre or (2) leave it in the field to rot and collect about the same amount, if the farmer has Catastrophic Crop Insurance. Most farmers with aflatoxin in their corn above 20 billion parts per million are finding it unpractical to even harvest. Those farmers who are lucky enough to have corn without aflatoxin will not be able to cover even half of their production costs due to low yields and low prices. What is the result of this situation? The Louisiana Cooperative Extension Service recently estimated that corn farmers in one North Louisiana Parish will lose about $154 per acre or about $3.85 million this year.

Our cotton farmers just began their harvest last week, but the outlook is not much better. Cotton yields in Louisiana generally average about 800 to 1000 pounds per acre. As of last week, cotton yields have been averaging 100 to 650 pounds per acre, one third to one half of normal production yields. Also, the quality has been extremely poor due to the hot dry summer and will discount the price the farmer gets for his crop by several cents per pound. With production costs of cotton in Louisiana ranging from $500 to $600 per acre, it is estimated that the average cotton farmer will lose approximately $131,000 this year.

Soybean harvest has also just begun. Yields thus far are less than 10 bushels per acre, which is down approximately 65% from normal. Most fields in North Louisiana are averaging about 4–5 bushels per acre. Also, because of the hot, dry weather, chemicals have not been preforming and weeds have been a tremendous problem. With the extreme low prices of soybeans and low yields, farmers in hardest hit areas can expect to lose approximately $85 per acre or about $42,500 this year.

These are just a few examples of how the major row crops will be impacted. In addition, our larger agriculture lending institutions are expecting very low repayments this year. One of the larger banks in the state says that of $18 million in crop loans, they are expecting to be repaid only 30–35% of the outstanding loans. Another bank expects that 40–50% of the agricultural loans will not be totally paid this year. Not only will crop loans not be repaid, but outstanding bills for crop inputs such as chemicals, fertilizer and fuel may not be paid in full. In the words of one banker "spendable income will be down 75% of normal. This is the money used to buy clothing, household goods and for paying the utilities."

Mr. President, these are real examples of the economic hardships facing farmers, their families and the rural communities they support. Many farm families do not know what they are going to do in order to make it another year. Many may end up in the local unemployment office. I hope that this Congress does not let this happen.

Farmers in Louisiana and other Southern states need disaster assistance, and they need it before the Congress adjourns. They need this assistance delivered in a manner that is fair. Thus, this relief should only be provided to those farmers with demonstrated crop losses. I urge my colleagues on both sides of the aisle to join me in support of direct disaster payments to the thousands of farmers who provide us with three square meals a day. This source is so often taken for granted every day when we feed our families.

Mr. President, before I conclude my remarks, I would like to talk about some specific relief measures needed to address the 1998 crop losses in Louisiana and other Southern states that have lost a large portion of their crops due to the drought and associated disease. These measures include:

1. The Secretary should deliver direct disaster payments to compensate all farmers for 1998 crop losses through the Farm Service Agency (FSA).

2. Payments should be based on actual farm yields using the past five years of actual production history, excluding the crop year with the lowest yields per harvested acre and any crop year in which the crop was not planted on the farm. Actual production losses should be adjusted because of quality losses caused by damaging weather and related conditions, including diseases such as aflatoxin. If no five year history is available, the Secretary should use the average county yields.

3. With respect to livestock producers, direct payments should cover the cost of feed, the establishment of supplemental pastures and other losses due to natural disasters, including livestock and poultry weight losses, poultry mortality and livestock milk production losses.

4. With respect to tree farmers, direct payments should cover the cost of replanting seedlings and cover production costs of pecan and peach farmers who suffered losses due to a natural disaster during the 1998 crop year.

5. Presently, any farmer who collected a Catastrophic Crop Insurance Payment (CAT) or Non-Insured Crop Insurance Payment (NAP) is ineligible for a low-interest Emergency Loan. This should be amended.

6. Also, there is presently a seven year limit on the amount of credit that can be extended through the USDA Farm Service Agency (FSA). On an emergency basis, the Secretary of Agriculture should be granted the authority to waive the current limitation.

7. Finally, Mr. President, all the farmers that I have spoken with tell me the crop insurance program is not working. I think we do have some serious problems that can not be addressed in three weeks and should be revisited next year. However, one valid problem that can be addressed this year is to require USDA not to exclude from coverage approved existing planting methods. Currently, all broadcast soybeans planted in Louisiana

are ineligible for crop insurance coverage due to the fact that they are seeded by broadcasting means such as aerial application. This is wrong and should be amended.

Mr. President, this concludes my remarks and I ask unanimous consent that the crop damages as reported by the Louisiana State University Agricultural Center be printed in the RECORD.

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

Louisiana State University (LSU) Agricultural Center's crop damage estimate for Louisiana

[August 14, 1998]

Total state reduction in farm income for the reporting Louisiana parishes:	
Corn	$64,355,717
Silage	3,026,790
Cotton Lint	45,402,308
Seed	5,090,964
Soybeans	72,053,920
Rice	14,053,920
Sugar	44,828,210
Molasses	1,399,613
Sorghum	4,034,161
Total crops	254,231,853
Sweet Potatoes	8,054,100
Commercial Vegetables	3,995,561
Est. Pine Seedling Mortality	10,000,000
Pasture	90,000,000
Hay	24,750,000
Additional damages reported as of September 1, 1998:	
Aflatoxin in Corn	29,000,000
Livestock	30,000,000
Current estimated total	450,031,514

NEED FOR BIPARTISAN CONSENSUS ON FOREIGN POLICY AT A TIME OF DOMESTIC CRISIS

Mr. BIDEN. Mr. President, this is a time of serious political turmoil in the United States.

The House of Representatives is currently considering impeachment proceedings. The President of the United States has admitted to serious moral indiscretions.

The public is divided on what punishment should be meted out to a President who has performed such despicable and indefensible actions.

While the House of Representatives is considering impeachment the Senate is waiting to determine whether it may have to sit in judgment with respect to these actions.

Clearly this is a difficult time for the nation domestically.

It is a perilous time for the nation internationally.

We have four weeks left in this Congress and to date we have failed to address some critical foreign policy issues.

Notwithstanding that failure and the political disarray on the domestic front, there should be no disagreement as to the need to face up to these issues.

This challenge, and our unfinished business, is the subject of my remarks today.

Throughout our nation's history, Americans have understood that no matter what was happening in this country's internal political life, America's survival depends on presenting a strong, united front to the world. Now, in the middle of a domestic political crisis, we must overcome partisan differences to focus on urgent matters in United States foreign policy.

Especially now, in the face of major world crises, we must not allow ourselves to be distracted from our task of protecting America's security, leadership, and credibility abroad.

With time running short in the Congressional session, the ability to reach out to find the necessary consensus which could permit our country to speak in one voice is threatened by the entire debate over the future of this President.

No matter how we feel about the actions of President Clinton and whether impeachment proceedings should begin in the House of Representatives, Bill Clinton is still President of the United States with constitutional responsibilities for the conduct of our foreign policy and national security.

We in the Congress share that constitutional responsibility and I call on my colleagues on both sides of the aisle to come together and work closely with the President and his national security team to address these issues together.

The security threats facing us are urgent and complex: international terrorism; weapons of mass destruction in Iraq; nuclear weapons programs in India, Pakistan, and North Korea; a fragile Middle East peace; drug trafficking and international crime; the financial crises in Russia and Asia; and impending humanitarian disasters in Kosovo and the Horn of Africa.

RUSSIAN ECONOMIC CRISIS

The unfolding crisis in Russia, for example, could hold serious threats to the national economic and military security of the United States. An even greater danger than the economic meltdown is the threat of a total collapse of Russia's political system.

With the Yeltsin era about to end, the only thing worse than an economically paralyzed Yeltsin government would be a coup d'etat that installed an authoritarian government.

It takes little imagination to see the dangers of a new, extremist Russian regime that would have access to thousands of leftover Cold War missiles armed with nuclear warheads. Because of the deep structural problems in Russia's political and economic system, there is very little that the United States can do to turn this situation around quickly.

But with thousands of former Soviet nuclear weapons experts out of work and rogue states such as Libya, Iran, and Iraq eager to offer them paychecks, we must keep our eye on the first priority of preventing the collapse of Russian democracy along with the economy if we want to protect our own national security.

KOSOVO

In Kosovo, the Serbian special police are continuing their terrorist policy that has driven more than 300,000 Kosovo Albanians from their homes and into the forests and mountains. With the onset of the Balkan winter only one month away, a humanitarian catastrophe of enormous proportions looms. The West must compel the Serbs to cease military operations at once and provide unrestricted access to international aid organizations.

The Administration must immediately formulate a policy on Kosovo and present it to the Congress so we can be united in strong action to address yet another Balkan tragedy.

IRAQ SANCTIONS POLICY

Iraq's decision last month to prevent U.N. inspections reminds us of the continuing threat posed by Saddam Hussein to our national interest. At that time, U.N. weapons inspector Scott Ritter resigned his post because he believed that the U.N. Security Council and the United States were unwilling to use force against Iraq to compel it to cooperate with U.N. weapons inspectors.

Ritter's resignation has forced both the Administration and Congress to decide on a clear Iraq policy: do we rely on the immediate, unilateral use of force to back U.N. inspections?

Do we seek to maintain consensus on the Security Council before using force? Do we abandon the threat of the use of force and rely on sanctions to contain Iraq? These are tough choices, but we need to make a decision and be prepared to stick with it. And we need to remember that big nations can't bluff.

THE MIDDLE EAST

Another test of United States leadership abroad is our continued support for the delicate peace process in the Middle East. My recent visit to the Middle East has reconfirmed my belief that both the Israeli and Palestinian leadership are committed to the success of the peace talks. It is important that Congress support the President's intensive efforts to revive a process that has remained stalled for much too long.

Continued drift in the peace process benefits no one but the terrorists and extremists.

INDIA/PAKISTAN

Equally critical is our support of the Administration's continued diplomatic efforts to de-escalate the nuclear tensions between India and Pakistan. In

the wake of their nuclear tests, the President was forced by existing sanctions law to impose sweeping economic penalties against these countries, even though this made resolution of the crisis more difficult.

The Senate quickly moved to repeal part of the sanctions law to make exceptions for food and other humanitarian supplies. The Senate Sanctions Task Force, which I co-chair with Senator MCCONNELL, also recommended changes in the existing sanctions regime to give the President flexibility in negotiating with India and Pakistan.

The Senate adopted these changes as an amendment to the Agricultural Appropriations bill. We need to complete action on this legislation before we adjourn.

These are only some of the foreign policy issues we face together, the Congress and our President, in this dangerous world of borderless threats and transnational security challenges.

Our foreign policy initiatives could have tragic consequences—as we've seen in the past—if the President, Congress, and the American people fail to forge a common consensus on our foreign policy goals.

As I said at the outset, Bill Clinton is President of the United States. The situation requires a bipartisan effort to address these issues.

We have failed thus far in meeting that responsibility with respect to several very specific issues. Working with the President, we must act on these issues before we adjourn.

EMBASSY FUNDING

First among these is consideration of emergency embassy security legislation, which the President is expected to submit to the Congress this week. The embassy bombings in East Africa were tragic reminders of the long-term war against terrorism. They were also a reminder that maintaining a strong diplomatic presence around the globe cannot be done on a shoestring budget.

I believe the Congress will act quickly on the Administration's request for emergency funding to rebuild the destroyed embassies in Kenya and Tanzania and to meet urgent security needs of our other diplomatic facilities around the world. As the world's leading superpower, we cannot afford to pinch pennies in countering the new breed of international terrorist.

Under the leadership of the Chairman of the Foreign Relations Committee, Senator HELMS, and the Chairman and Ranking Minority Member of the Appropriations Committee, I am confident that this issue will be acted upon in an expeditious and bipartisan manner.

Engaging in a debate about whether Congress or the Executive had failed to provide adequate security funding would distract us from working together in a bipartisan manner to provide the funds needed to protect our people serving abroad.

IMF FUNDING

America's own economic security may also very well depend on Congress's ability to provide strong international leadership at this critical time for the international economy. The Asian financial crisis has sent shock waves as far as Russia and Latin America. To protect our economy and to keep the crisis from spreading, Congress must act quickly to help replenish its share of the IMF's resources, which now have reached dangerously low levels.

But while the Senate has supported full funding for the IMF in a strong bipartisan manner, the House yesterday voted to provide only a fraction of our total share of the IMF's emergency funds.

With the outcome of the financial crisis still to be determined, Congress must act decisively before we adjourn to maintain both the financial strength of the IMF and to help end the global economic crisis before our own interests are jeopardized.

CWC

In a world beset with many dangers, the threat posed by weapons of mass destruction is also among our greatest concerns. Chemical weapons, among the world's oldest weapons of mass destruction, are truly horrific—as we learned when Iraq's Saddam Hussein gassed whole villages of his own people.

Partly in response to Saddam Hussein, the world has moved to adopt the Chemical Weapons Convention, or CWC, to outlaw chemical weapons and to verify compliance with the Treaty. In May of last year, the Senate passed bi-partisan legislation necessary to implement the Treaty. But the CWC remains in limbo. Why?

Because House Republicans failed to act on the Senate's CWC Implementation Act for six months, finally choosing to attach it to unrelated, vetoed legislation in a political confrontation with the President. Failure to act has put our country in violation of this treaty leaving us unable to demand compliance by others.

If the CWC implementation bill is not passed by the House in the next four weeks, we will continue to be in violation of the CWC Treaty and have to start all over again in a new Congress. It is time for the House of Representatives to step forward and put the national interest above political considerations.

U.N. ARREARS/STATE DEPARTMENT REORGANIZATION

The issue of United States arrears to the United Nations is another challenge we have yet to resolve. Chairman HELMS and I worked hard to craft a bipartisan plan to pay $926 million in our arrears if the United Nations agreed to make reforms. Those plans are contained in the State Department Conference Report that has yet to be sent to the President.

Unfortunately, our payment to the UN has been weighed down with an unrelated, controversial abortion provision. We need to come to grips with this problem before we adjourn. Our arrears are harming our interests at the United Nations, where other countries are raising the issue at every opportunity to curtail U.S. influence on other matters.

Our failure to resolve serious differences over the Mexico City abortion language—or agree to strip it from this conference report—is also holding back additional legislation in the conference report authorizing the reorganization of the U.S. foreign affairs agencies—a long-awaited plan to help the Department streamline its operations to increase our diplomatic effectiveness.

We need to take a fresh look at the continuing impasse over this conference report. We in the Congress and the President need to set out a new road map to get these issues signed into law. As I said, we need, together, to resolve our differences over the Mexico City language or strip it off and fight that issue again next year.

Mr. President, at this point I would like to say a few words about the Committee on Foreign Relations, where I serve as Ranking Minority Member.

During this Congress the Chairman of the Foreign Relations Committee, Senator HELMS, and I have worked together to address serious and difficult issues. We have not always agreed, though I am sure many have been surprised at the large number of issues the Chairman and I have come to agreement on.

Overriding all the issues, however, has been a strong commitment, equally shared, to our responsibility to discharge our responsibilities on the Committee on Foreign Relations.

Consequently it is no surprise that the Chairman, immediately upon our return in September, initiated plans for the Committee to act on over thirty legal assistance treaties and a large number of nominations important to the conduct of our foreign policy.

I applaud the Chairman for his commitment at this time of political crisis.

I regret, however, that the Committee has not been able to consider the Comprehensive Test Ban Treaty this year. The Chairman and I disagree on the importance of this treaty and he has indicated a need to address other treaties first.

Although we will be unable to act before we adjourn, we do need to consider how and when the Senate will be able to take this treaty up next year.

Mr. President, as I said earlier, our time is short. We must work together to resolve these outstanding foreign policy issues.

Most important is the need for a bipartisan commitment to work with our

President at this time of crisis, as he leads our country as Commander-in-Chief.

If ever there was a time for a President to provide leadership, overseas and the Congress to rise above a serious domestic political crisis to support the President, now is that time!

Mr. President, John F. Kennedy once remarked that "our domestic policy can defeat us, but our foreign policy can kill us."

He was right, of course. And in the coming weeks, Congress and the President have the responsibility to step up to the plate and address our unfinished foreign policy business—or risk allowing these neglected issues to jeopardize our national security interests.

THE IMPORTANCE OF IMF FUNDING

Mr. BIDEN. Mr. President, I rise today to express my deep concern about our country's ability to lead at this crucial moment for the international economy.

Yesterday, the House of Representatives refused to provide the resources that the International Monetary Fund needs to deal with the most serious international financial crisis in years. What makes this failure even more inexcusable is that our participation in a stronger IMF would not cost American taxpayers a dime.

As the President reminded us earlier this week, this is a time when we alone—with the most important economy in the world—are in a position to lead. And two days ago, Treasury Secretary Rubin and Federal Reserve Chairman Alan Greenspan told us just how dangerous the current situation really is.

At this critical juncture, those who weaken our standing in key international financial institutions are playing a reckless game. By failing to provide the $14.5 billion U.S. "quota" increase—our share in an expanded capital reserve for the IMF—the House has increased the threat to our economy from the current international financial turmoil.

This is just the kind of situation that can get out of control if no one steps in to steer a course through these troubled times. Right now, the Europeans are turned inward, concerned with the next stage in their economic integration—the introduction of a common currency that puts strict limits on its members' budget and interest rate policies.

Japan remains in the grip of a political paralysis that has allowed its financial problems—centered in a banking system that is crumbling from the weight of bad loans—to fester for almost a decade.

The Tigers of the Asian financial miracle have been declawed, and with their collapse the world has lost a major engine for growth.

And our increasingly important trading partners in Latin America are catching their own version of the Asian flu. They face the threat of a chain of devaluations, budget crunches, and slower growth.

Quite literally, Mr. President, we are in a world of hurt.

The robust American economy of recent years—with strong job growth, rising incomes, healthy profits, high levels of investment in new technologies—has been the wonder and the envy of the rest of the world. And the fundamentals here, as Treasury Secretary Rubin and Fed Chairman Greenspan have stressed, remain strong.

But in recent weeks, we have watched as wild swings in our stock market reveal profound anxiety and uncertainty about the effects of international events on our own country.

Those international events have their ultimate origins in the particular circumstances of many different nations as they have entered today's global economy. But they have common threads—chief among them, a trend in those emerging economies toward excessive borrowing from other countries, debt denominated in dollars and other strong currencies. A lot of this international cash flowed into economies whose banking systems lacked fundamental rules for safety, soundness, and just plain honest bookkeeping.

As those debt burdens reached unsustainable levels for many important emerging economies, investors were convinced that assets they held in the currencies of those countries were no longer as valuable, and that those countries were no longer in a position to prop up their currencies with shrinking reserves of hard currencies. Once that idea took hold, the flight from those currencies was as swift as it was inevitable.

As the agonizing reappraisal of international lending grew to encompass other emerging economies, the currencies of countries as widely dispersed—and as different—as Russia, Venezuela, Brazil, and Argentina have come under increasing pressure. In the case of Russia, that pressure has resulted in the virtual collapse of the ruble and the evaporation of the nascent Russian stock market.

What does this all have to do with us, Mr. President? A lot.

First, as these emerging markets lose steam, they buy fewer finished goods from us and from other advanced economies, taking a bite out of our export sector, a major component of our recent growth. Facing shrinking markets and low-cost competition from the weakened emerging economies, American firms will no longer enjoy the kind of corporate earnings—or the kind of stock prices—that until just recently lifted Wall Street indexes into the stratosphere.

Without those profits and those stock values, our companies will not be able to sustain the level of investment that has been a cornerstone of our recent booming economy. Ultimately, this must lead to lower job growth and thinner pay checks. And the decline in our stock market will affect many individual investors' willingness to continue the level of spending that has been the real backbone of our economy.

Another key feature of this global slump is depressed prices for basic commodities like grain and oil. There is no need for me to remind my colleagues here that our farmers now face a serious crisis because of the loss of important export markets. I know I hear from my poultry farmers in Delaware, for whom Russia is a key export market, about their concerns.

The latest numbers show that our trade deficit soared by more than 20 percent in the second quarter of this year, and its gives every sign of getting worse before it gets better. Some projections show our exports declining in ways we haven't seen in more than a decade, while we continue to pull in cheap imports from the weakened economies around the world.

We are in the middle of a major global economic transformation, Mr. President, and there is much we don't know about the workings of the evolving system of increased trade and increased international investment. But we can see from here that international financial problems—particularly foreign exchange crises—have a strong potential to spread, and that our economy, for all its fundamental strengths, will be hurt more the longer those problems persist.

As we survey the wreckage from this global crisis, and consider the very real potential for deeper trouble, we cannot hesitate to use every tool at our disposal to restore confidence to financial markets. The International Monetary Fund is the institution that we created, along with the other major economies, at the end of World War II to inject a measure of stability into the management of international currency markets.

Time and events have overtaken the problems for which the IMF was originally created. And while there are important and useful reforms of the IMF included in both House and Senate legislation this session, I am concerned that we are demanding too much of the IMF—expanding its responsibilities instead of focusing its energies where they can do the most good—and too little from such forums as the G-7 and others where the major economies of the world should be seeking a sense of common concern and a coordinated response.

But that is a topic for another day, Mr. President.

Today, we need look no farther than today's front page to see that the need

for an international lender of last resort is essential to the stability of today's financial markets. Only such a lender can step in to keep a country from complete financial and political meltdown when private investment retreats. Only such a lender can work to limit the contagion of a currency collapse to more and more countries.

But the vastly increased size of international financial markets now dwarfs the resources of the IMF relative to the problems it confronts.

Last year, even before the meltdown in Asia, the IMF—with our agreement—concluded that the size and repercussions of foreign exchange crises in today's world justify an increase in the basic reserves of the IMF, the "quota" paid in by each of its 182 members. And we have also agreed, with the other senior members of the IMF, to make available a larger emergency fund, the New Arrangements to Borrow, for use when the quota funds get too low.

Today, with the funds already committed to Asia and Russia, the IMF's resources are now dangerously low—so low that they call into question its ability to meet the next major run on an emerging economy's currency. So the rest of the world is looking to us to take the lead in providing those resources to the IMF. Our share of the quota increase would be $14.5 billion; our share of the New Arrangements to Borrow would be $3.5 billion.

But while we must go through the appropriations process to make those funds available to the IMF, we get in return an interest bearing asset, so the overall budget effect is a wash. Let me repeat that—there is no budget outlay involved when we meet our commitment to increase the capacity of the IMF to meet international financial crises.

And yet, Mr. President, we face the very real threat that the United States will simply flub this chance to maintain its leadership. With the failure of the House to act on the quota, providing only the $3.5 billion for the New Arrangements to borrow, we leave the rest of the world to wonder about our commitment to deal with the very serious problems that afflict our global economy.

Here in the Senate, we have been fortunate to have the benefit of real leadership on the issue of IMF funding. Senator STEVENS has made use of two opportunities to put the Senate on record in support of full funding for our participation in the IMF. My colleagues on the Foreign Relations Committee, Senator HAGEL and Senator SARBANES, have lent their considerable energies and reputations to this effort.

There are few opportunities left in this session for us to put this right, Mr. President. The Congress is already seen by the rest of the world as reluctant to take an easy—and, I repeat, costless—step to increase the resources of the one institution we have that is in a position to intervene in this crisis. This can only add to the uncertainty that is at the bottom of the current market unrest.

Mr. President, there is every indication that we have a long, hard road between us and the end of the current financial turmoil. I hope that in the few weeks remaining to us this session we will take this one small step to start that journey.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 17, 1998, the federal debt stood at $5,514,091,417,890.65 (Five trillion, five hundred fourteen billion, ninety-one million, four hundred seventeen thousand, eight hundred ninety dollars and sixty-five cents).

One year ago, September 17, 1997, the federal debt stood at $5,394,894,000,000 (Five trillion, three hundred ninety-four billion, eight hundred ninety-four million).

Five years ago, September 17, 1993, the federal debt stood at $4,389,958,000,000 (Four trillion, three hundred eighty-nine billion, nine hundred fifty-eight million).

Twenty-five years ago, September 17, 1973, the federal debt stood at $460,362,000,000 (Four hundred sixty billion, three hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,053,729,417,890.65 (Five trillion, fifty-three billion, seven hundred twenty-nine million, four hundred seventeen thousand, eight hundred ninety dollars and sixty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES REFERRED

The Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following measure which was referred to the Committee on Energy and Natural Resources:

S. 2402. A bill to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7008. A communication from the Executive Director of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled "Management of the Presidio" (RIN3212–AA01) received on September 15, 1998; to the Committee on Energy and Natural Resources.

EC–7009. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the Institute's report under the rules of the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1996 and 1997; to the Committee on Governmental Affairs.

EC–7010. A communication from the Secretary of Veterans Affairs, transmitting, the Department's report entitled "Plain Language Action Plan"; to the Committee on Veterans' Affairs.

EC–7011. A communication from the President and the Chairman of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the Center's annual report for fiscal year 1997; to the Committee on Rules and Administration.

EC–7012. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC–7013. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligible Basis Reduced by Federal Grants" (Rev. Rul. 98–49) received on September 16, 1998; to the Committee on Finance.

EC–7014. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives" (RIN1512–AB55) received on August 28, 1998; to the Committee on Finance.

EC–7015. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients" (Docket 98N–0636) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC–7016. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment; Correction" (Docket 81N–0201) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC–7017. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food; Correction" (Docket 98N–0392) received on September 16, 1998; to the Committee on Labor and Human Resources.

EC–7018. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifically Approved States Authorized to Receive Mares and Stallions Imported From Regions Where CEM Exists" (Docket 98–059–1/2) received on September 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7019. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Increased Assessment Rate" (Docket FV98–981–2 FR) received on September 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7020. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery" (I.D. 071098I) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7021. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Radio Frequencies Above 40GHz for New Radio Applications" (Docket 94–124) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7022. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule regarding a radio astronomy coordination zone in Puerto Rico (Docket 96–2) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7023. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Stone Crab Fishery of the Gulf of Mexico; Amendment 6" (I.D. 041698G) received on September 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7024. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of two rules regarding final flood elevation determinations (63 FR 42264, 63 FR 45737) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7025. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (63 FR 42257) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7026. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (63 FR 42259) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7027. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of three rules regarding changes in flood elevation determinations (63 FR 45729, 45732, 42262) received on September 16, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7028. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Inservice Testing" (Guide 1.175) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7029. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Graded Quality Assurance" (Guide 1.176) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7030. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications" (Guide 1.177) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7031. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Chapter 3.9.7 Risk-Informed Inservice Testing" (NUREG–0800) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7032. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Chapter 16.1 Risk-Informed Decisionmaking: Technical Specifications" (NUREG–0800) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7033. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report entitled "Federal Space Situation Report for Chattanooga, TN"; to the Committee on Environment and Public Works.

EC–7034. A communication from the Director of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances" (FRL6027–1) received on September 16, 1998; to the Committee on Environment and Public Works.

EC–7035. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a payment to Rewards Program Participant 98–21; to the Committee on Foreign Relations.

EC–7036. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice that the President has authorized the use of funds under the U.S. Emergency Refugee and Migration Assistance Fund to meet the needs of persons at risk due to the Kosovo crisis; to the Committee on Foreign Relations.

EC–7037. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended—Fees for Application and Issuance of Nonimmigrant Visas" (Notice 2894) received on September 16, 1998; to the Committee on Foreign Relations.

EC–7038. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of agreements between the American Institute in Taiwan and the people on Taiwan concluded during calendar year 1997; to the Committee on Foreign Relations.

EC–7039. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States (98–131—98–138); to the Committee on Foreign Relations.

EC–7040. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, the report of a rule regarding application of the Prevailing Conditions of Work requirement (UIPL No. 41–98) received on September 17, 1998; to the Committee on Labor and Human Resources.

EC–7041. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated September 8, 1998; to the Committee on Governmental Affairs.

EC–7042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL6160–9) received on September 17, 1998; to the Committee on Environment and Public Works.

EC–7043. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Management Sites" (FRL6161–2) received on September 17, 1998; to the Committee on Environment and Public Works.

EC–7044. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery; Inseason Adjustment; Closure" (I.D. 080698A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulations to Implement a Stand Down Requirement for Trawl Catcher Vessels Transiting Between the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska" (I.D. 051898A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening Directed Fishing for Pollock in Statistical Area 610 in the Gulf of Alaska" (I.D. 090998A) received on September 17, 1998; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. No. 105-336).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Robert Bruce King, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. GRAHAM, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. INOUYE):

S. 2497. A bill to ban certain abortions; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of agricultural cooperatives and to allow declaratory judgment relief for such cooperatives; to the Committee on Finance.

By Mr. GLENN:

S. 2499. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. THOMAS, and Mr. BINGAMAN):

S. 2500. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. GRASSLEY):

S. 2501. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. GRAHAM, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 2497. A bill to ban certain abortions; to the Committee on the Judiciary.

THE LATE-TERM ABORTION LIMITATION ACT OF 1998

Mr. DURBIN. Mr. President, today the Senate is beginning consideration of a very controversial and contentious issue, the veto override of the Partial-Birth Abortion Ban Act.

I will vote to sustain the President's veto of this bill, which I believe is seriously flawed. But to make my position clear and state in positive terms what I believe we should do to address this troubling issue, I am introducing legislation today known as the Late-Term Abortion Limitation Act of 1998.

I am pleased to have a bipartisan group of Senators as original cosponsors of this legislation, including Senators SNOWE, COLLINS, TORRICELLI, MIKULSKI, GRAHAM, LANDRIEU, and LIEBERMAN.

We believe that post-viability abortions should be allowed in only two types of situations—when the life of the mother is in danger or when she faces a medically certified risk of grievous physical injury.

Senators DASCHLE and SNOWE put forward a measure last year that reflected this principle. I support them, and our legislation builds on what they did.

Our bill has one significant difference from the Daschle proposal, an addition that we believe enhances the Daschle amendment. Our legislation would require a second non-treating doctor's certification that the abortion is medically necessary to protect the life of the mother or prevent grievous physical injury. This second certification could be waived only in the case of a medical emergency, and the physician would have to document the nature of the medical emergency.

We believe this approach is one that can be passed in the United States Senate. It is backed by a substantial and bipartisan group of Senators. It is a compromise approach that can bring to a reasonable conclusion the long-running debate over late-term abortion procedures. I urge my colleagues to read the language closely and give it careful consideration as a good faith effort to resolve this troubling issue in a fair and humane manner.

Unlike the Partial Birth Abortion Ban Act, this legislation would actually reduce the number of late-term abortions because, instead of banning only one procedure, the measure would ban all post-viability abortions except when a continuation of the pregnancy risks grievous physical injury to the mother or poses a threat to her life.

At the same time, the legislation holds to the Roe versus Wade standard which makes a clear distinction between abortions occurring before and after viability. Unlike the partial birth abortion ban, our bill preserves this important distinction and is thus more likely to pass court scrutiny. Before viability, a decision to have an abortion must be made by a woman, her doctor, her family, and her conscience. But in the closing weeks of a pregnancy, the court affirms a role for addressing the public concern about late-term abortions and makes it clear that the State can draw the line limiting abortions to the most serious circumstances.

I hope the legislation we are introducing today can help us resolve this debate once and for all, in a manner that is consistent with our laws and the views of most of the American people.

I ask unanimous consent that a summary of the bill and the text of the measure be printed in the RECORD.

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

S. 2497

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 "Late Term Abortion Limitation Act of 1998".

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—BAN ON CERTAIN ABORTIONS

"Sec.
"1531. Prohibition of post-viability abortions.
"1532. Penalties.
"1533. Regulations.
"1534. State law.
"1535. Definitions

"§ 1531. Prohibition of Post-Viability Abortions.

"(a) IN GENERAL.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

"(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

"(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

"(b) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

"(c) MEDICAL EMERGENCY EXCEPTION.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

"§ 1532. Penalties.

"(a) ACTION BY THE ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

"(b) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

"(c) SECOND OFFENSE—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

"(d) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

"(e) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

"(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

"(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

"§ 1533. Regulations.

"(a) FEDERAL REGULATIONS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

"(2) REQUIREMENTS.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

"(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

"(B) a description by the physician of the medical indications supporting his or her judgment;

"(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

"(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

"(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

"(b) STATE REGULATIONS.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

"§ 1534. State Law.

"(a) IN GENERAL.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

"(b) DEFINITION.—In subsection (a), the term 'State law' means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

"§ 1535. Definitions.

"In this chapter:

"(1) GRIEVOUS INJURY.—

"(A) IN GENERAL.—The term 'grievous injury' means—

"(i) a severely debilitating disease or impairment specifically caused by the pregnancy; or

"(ii) an inability to provide necessary treatment for a life-threatening condition.

"(B) LIMITATION.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

"(2) PHYSICIAN.—The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Ban on certain abortions ..... 1531.".

THE LATE-TERM ABORTION LIMITATION ACT OF 1998—SUMMARY

The Late-Term Abortion Limitation Act of 1998 would ban all post-viability abortions except in cases where both the attending physician and an independent non-treating physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Grievous injury is defined, as in last year's Daschle-Snowe alternative to the partial-birth abortion ban bill, as (1) a severely debilitating disease or impairment specifically caused by the pregnancy of (2) an inability to provide necessary treatment for a life-threatening condition, and is limited to conditions for which termination of the pregnancy is medically indicated. The certification requirements could be waived in a medical emergency, but the physician would subsequently have to certify in writing what specific medical condition formed the basis for determining that a medical emergency existed.

This legislation provides a more effective and constitutional approach to this difficult issue than the partial-birth abortion ban:

This legislation will actually reduce the number of late-term abortions. In contrast, the partial-birth abortion ban will not stop a single abortion at any stage of gestation. The partial-birth abortion ban, by prohibiting only one particular procedure, will merely induce physicians to switch to a different procedure that is not banned. The Late-Term Abortion Limitation Act will stop abortions by any method after a fetus is viable, except when medical necessity indicates otherwise.

This legislation fits clearly within the constitutional parameters set forth by the U.S. Supreme Court for government restriction of abortion. In contrast, the partial-birth abortion ban, by prohibiting certain types of abortions before viability, breaches the court's standard that the government does not have a compelling interest in restricting abortions prior to viability.

This legislation retains the abortion option for mothers facing extraordinary medical conditions such as breast cancer, preeclampsia, uterine rupture, or non-Hodgkin's lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the mother's physical health or life. In contrast, the partial-birth abortion ban provides no such exception to protect the mother from grievous injury to her physical health.

At the same time, by clearly limiting the medical circumstances where post-viability abortions are permitted, this legislation protects fetal life in cases where the mother's health is not at such high risk.

The Late-Term Abortion Limitation Act is similar to the legislation proposed by Senators Daschle, Snowe, and others last year as an alternative to the partial-birth abortion ban bill, with one significant change:

The legislation requires a second doctor to certify the medical need for a post-viability abortion, to ensure that post-viability abortions take place only when continuing the pregnancy would prevent the woman from receiving treatment for a life-threatening condition related to her physical health or would cause a severely debilitating disease or impairment to her physical health.

Enforcement of the legislation is identical to the enforcement mechanism in the Daschle-Snowe alternative. The Justice Department could initiate a civil action against a physician who knowingly violated this law, with penalties of up to $100,000 and/or loss of medical license (up to $250,000 and/or loss of medical license for repeat offenses).

Ms. COLLINS. Mr. President, I am pleased to be joining with my colleagues, Senators DURBIN and SNOWE, in introducing this bill to ban all late-term abortions, including partial birth abortions, that are not necessary to save the mother's life or to protect her from grievous physical harm.

Let me be clear from the outset. I am strongly opposed to all late-term abortions, including partial birth abortions. I agree that they should be banned. However, I believe that an exception must be made for those rare cases when it is necessary to save the life of the mother or to protect her from grievous physical harm. Fortunately, these procedures are extremely rare in my State, where there were just two late-term abortions between 1984 and 1996.

We believe that this debate should not be about one particular method of abortion, but rather about the larger question of under what circumstances should late-term, or post-viability, abortions be legally available. We believe that all late-term abortions—regardless of the procedure used—should be banned, except in those rare cases where the life or the physical health of the mother is at serious risk.

In my view, Congress is ill-equipped to make judgments on specific medical procedures. As the American College of Obstetricians and Gynecologists—which represents over 90 percent of obgyns and which opposes the partial birth abortion ban—has said, "the intervention of legislative bodies into medical decision-making is inappropriate, ill advised, and dangerous." Most politicians have neither the training nor the experience to decide which procedure is most appropriate in a given case. These medically difficult and highly personal decisions should be left for families to make in consultation with their doctors.

The Supreme Court, in Roe v. Wade, has identified "viability"—the point at which the fetus is capable of sustaining life outside the womb with or without support—as the defining point in determining the constitutionality of restrictions on abortion. While I don't believe that it is appropriate for us to dictate medical practice, I do believe that it is appropriate for Congress to determine the circumstances under which access to late-term abortions—by any procedure—should be restricted.

That is what the legislation we are introducing today would do. Our bill goes beyond the partial birth abortion ban, which simply prohibits a specific medical procedure and will not prevent a single abortion. Let me emphasize that point. The partial birth legislation would not prevent a single late-term abortion. A physician could simply use another, perhaps more dangerous method to end the pregnancy.

By contrast, our bill would prohibit the abortion of any viable fetus, by any method, unless that abortion is necessary to preserve the life of the mother or to prevent "grievous injury" to her physical health. We have taken great care to tightly limit the health exception in this bill to "grievous injury" to the mother's physical health. It would not allow late-term abortions to be performed simply because the woman is depressed or feeling stressed or has a minor health problem because of the pregnancy.

"Grievous injury" is narrowly and strictly defined by our bill as either a "severely debilitating disease or impairment specifically caused by the pregnancy," or "an inability to provide necessary treatment for a life-threatening condition." Moreover, "grievous injury" does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

This bill includes an additional safeguard. The initial opinion of the treating physician that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health must be confirmed by a "second opinion." This second opinion must come from an independent physician who will not be involved in the abortion procedure and who has not been involved in the treatment of the mother. This second physician must also certify—in writing—that, in his or her medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

What we are talking about are the severe, medically diagnosable threats to a woman's physical health that are sometimes brought on or aggravated by pregnancy.

Let me give you a few examples: primary pulmonary hypertension, which can cause sudden death or intractable congestive heart failure; severe pregnancy-aggravated hypertension with accompanying kidney or liver failure; complications from aggravated diabetes such as amputation or blindness; or an inability to treat aggressive cancers such as leukemia, breast cancer, or non-Hodgkins lymphoma.

These are all obstetric conditions that are cited in the medical literature as possible indications for pregnancy terminations. In these extremely rare cases—where the mother has been certified by two physicians to be at risk of losing her life or suffering grievous physical harm—I believe that we should leave the very difficult decisions about what should be done to the best judgment of the women, families and physicians involved.

Mr. President, the legislation we are introducing today is a fair and compassionate compromise on this extremely difficult issue. It would ensure that all late-term abortions—including partial birth abortions—are strictly limited to those rare and tragic cases where the life or the physical health of the mother is in serious jeopardy, and I urge my colleagues to join me in supporting it. This legislation presents an unusual opportunity for both "pro-choice" and "pro-life" advocates to work together on a reasonable approach.

I also ask unanimous consent that a recent editorial from the Bangor Daily News endorsing our approach be included in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

[From the Bangor Daily News, Sept. 11, 1998]

ABORTION VOTE

Back when the subject of abortion was debated on moral and religious grounds, opponents could disagree while understanding how each arrived at a position. Now that abortion is a vehicle for fund raising there is no room for understanding because understanding doesn't bring in the bucks or whip up the membership.

With the Senate's vote next week on late-term abortion, the Christian Coalition, according to The Washington Post, has directed at five senators radio advertisements, 300,000 postcards and countless automated telephone calls. Two of the five senators are Maine's Olympia Snowe and Susan Collins. The purpose of this extensive campaign is to harass these senators into dropping their support for a compromise measure that allowed late-term abortions to protect against "grievous injury" to the physical health of the mother.

But the vote is more about power than pregnancy—Maine had only two third-term abortions between 1984 and 1996, consistent with other states. If abortions were the primary concern, the coalition could with one magazine ad extolling the effectiveness of condoms do more to reduce unwanted pregnancies than this entire Senate campaign. As a bonus, the condom ad might also help reduce sexually transmitted diseases.

The coalition's main goal is to remain relevant now that its best-known leader, Ralph Reed, has moved on. The group has two themes, abortion and gay rights, and even Mr. Reed says gay rights is a sure loser. That leaves the coalition trying to override a presidential veto of a ban on so-called partial-birth abortions, but its lack of sincerity is evident in its refusal to accept an exemption for the physical health of the mother.

Assuming for a moment that telling doctors what procedures they may use to perform an abortion is constitutionally legal—and the court's 1976 Danforth decision says it isn't—this compromise should be seen as a fair way for opponents to agree. The grievous injury provision is not the large loophole that the coalition claims. It is narrowly defined to cover either a "severely debilitating disease or impairment specifically caused by the pregnancy" or an "inability to provide necessary treatment for a life-threatening condition." It does not include any condition that is not medically diagnosable or any condition that can be treated without ending a pregnancy.

The grievous injury exemption would allow treatment for such illnesses as leukemia or non-Hodgkins lymphoma, primary pulmonary hypertension, which can cause sudden death or congestive heart failure, and pregnancy-aggravated hypertension, which can cause kidney or liver failure.

Instead of recognizing the humanity in allowing for abortions under the threat of these illnesses, the coalition continues to demand an end to the partial-birth procedure, with an exemption only for the near-certain death of the mother. Banning a procedure, of course, doesn't reduce the number of abortions; it forces physicians to use riskier procedures.

Sens. Snowe and Collins have supported a fair and compassionate compromise in the extremely difficult issue of abortion. They deserve support from constituents who recognize the coalition's agenda as having little to do with unwanted pregnancies and everything to do with power.

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of agricultural cooperatives and to allow declaratory judgment relief for such cooperatives; to the Committee on Finance.

By Ms. MOSELEY-BRAUN (for herself and Mr. GRASSLEY):

S. 2501. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

AGRICULTURAL TAX LEGISLATION

• Mr. GRASSLEY. Mr. President, today we introduce two bills that will help farmers. These bills take another step in insuring the viability of family farming into the next century.

This first bill clarifies the laws regarding both Section 521 and Subchapter T agricultural cooperatives. Recent action by the Internal Revenue Service hinders farmers' attempts to form value-added cooperatives and to use these cooperatives as a source of income and stability. Specifically, the IRS changed its position of allowing cooperatives, in connection with their marketing functions, to manufacture or otherwise change the basic form of their members' products without jeopardizing the cooperatives' status.

Farmers value-added cooperatives were designed to encourage farmers to own the businesses that process their products, and to give them the benefit of the finished product. These cooperatives help create new products that benefit farmers. The IRS is choosing to differentiate between using a machine process and using a biological process to manufacture the finished product. There should be no difference—there isn't for business, there isn't for farmers, so there shouldn't be for the IRS.

The second bill that we are introducing today will take Aggie bonds out from under the private activity bond cap. Aggie bonds are an important tool for first time farmers. Removing them from the existing cap will greatly enhance the opportunities for beginning and less established farmers and ranchers to acquire affordable, low cost credit for agricultural purchases. Most industrial revenue bonds are typically issued for millions of dollars, underwritten, rated and sold to investors. Aggie bonds, which cannot exceed $250,000, are not underwritten, are not rated, and are not sold to investors. Rather, they are sold to local lenders who finance beginning farmers with a lower than normal interest rate. Several states would like to start offering Aggie bonds but cannot because their volume cap is already used for non-agricultural projects. Many other states, including my state of Iowa, cannot meet the demand for Aggie bonds.

These are two bills that will help farmers now, and always. These offer immediate help, and are part of the tax code restructuring that we must enact to make the playing field fair to America's farmers. I want to thank Senator MOSELEY-BRAUN for working with me on these important pieces of legislation.•

• Ms. MOSELEY-BRAUN. Mr. President, I am pleased to introduce two bills today with my distinguished colleague from Iowa, Senator GRASSLEY, that will benefit farmers in rural America.

As my colleagues may be aware, farmer-owned cooperatives play a major role in providing food and fiber to consumers. These cooperatives also provide their farmer-owners with additional market stability and help to strengthen farm income.

Current tax law states that farmers, fruit growers, or "like associations" that are organized and operated on a cooperative basis for the purpose of marketing the products of its members or other producers shall be exempt from federal income tax if those cooperatives are developed for the purpose of marketing the products of the members or other producers, and turning back to the members proceeds of the sales, less marketing expenses.

Farmers nationwide are joining together in self-help efforts to develop cooperatives and to develop new uses for the commodities that they grow, but recently the Internal Revenue Service (IRS) ruled that in certain instances, some forms of value-added farmer-owned cooperatives are not tax exempt. The Grassley/Moseley-Braun bill would overturn that IRS ruling and amend the current section of the tax code to explicitly cover these types of cooperatives.

Another concern that farmers have shared with me is the future of agriculture and the ability of their children and other beginning farmers to enter into farming as a way of life. I have worked in the Senate to change federal policies that will lower the obstacles for younger farmers who enter into farming as a profession.

One such program is the "Aggie Bonds" program. In the 103rd Congress, I cosponsored the law that granted a permanent tax exemption for these bonds. I also worked to include provisions in the Small Business Tax Relief Act of 1996 to widen eligibility for the bonds, increasing the amount of land a beginning farmer may own to qualify for the loan.

Today my Iowa colleague and I introduce a bill that further improves this successful program by exempting aggie bonds from the volume cap on industrial revenue bonds. Currently, Federal law allows states to issue tax exempt industrial revenue bonds that are earmarked for purchases of farmland, equipment, breeding livestock, as well as farm improvements by new or beginning farmers. The Farm Service Agency (FSA) also has authorized State chartered, non-profit corporations to make guaranteed mortgage and farm operating loans. Unfortunately, the aggie bond program and the FSA guaranteed farm mortgage programs have size limits of $250,000 and $300,000 respectively.

Given the rise in property costs, these limits fail to provide meaningful funds for small farm purchase or often time prevent certain classes of farmers from obtaining credit. In addition, aggie bonds are subject to statewide "caps" applicable to both small farmers and established users.

Most industrial revenue bonds are typically issued for million of dollars, underwritten, rated and sold to investors. Aggie bonds, which cannot exceed $250,000, are not underwritten, are not rated, and are not sold to investors; they are sold to local lenders who finance beginning farmers with a lower than normal interest rate. Most of the private-activity bond volume is used by large corporations for manufacturing or for multi-family housing. Aggie bonds are used by beginning farmers and ranchers.

Several states, such as Illinois, has discovered that the volume cap is already used up by non-agricultural projects, and many states cannot meet the demand for Aggie Bonds.

Exempting Aggie Bonds from the volume cap would greatly enhance the opportunities for young or beginning, less established farmers and ranchers to acquire affordable, low cost credit for agricultural purchases such as land, livestock, machinery, and farm improvements. The Moseley-Braun/Grassley bill exempts aggie bonds from the volume cap.

These two bills will help farmers in Illinois, Iowa, and all of rural America. I hope my colleagues will join us in supporting these bills and I urge their swift passage in the United States Senate.•

By Mr. GLENN:

S. 2499. A bill to provide for a transition to market-based rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority, and for other purposes; to the Committee on Energy and Natural Resources.

POWER MARKETING ADMINISTRATIONS REFORM ACT

• Mr. GLENN. Mr. President, today, I introduce the Power Marketing Administration Reform Act, a bill that will require the Power Marketing Administrations, or PMAs, to sell power at market rates. The Tennessee Valley Authority, or TVA, will also be included in the bill's requirements. My bill is a companion to H.R. 3518, introduced by Representatives BOB FRANKS (R–NJ) and MARTY MEEHAN (D–MA) in the House.

PMAs have failed to recover their operating costs for too long. My colleagues in the Senate are well aware of my activities to rectify this discrepancy that has brought about a fiscal shortfall and significant environmental damage. I have been joined by many in this Chamber in requesting reports from the Government Accounting Office, the Congressional Budget Office, and the Inspector General of the U.S. Department of Energy, the federal department that oversees the operation of the PMAs. All of the reports on the PMAs and the TVA have indicated severe financial problems.

According to the Congressional Budget Office, in a report released in March, 1997, selling PMA electricity at market rates rather than at the currently subsidized rates will raise approximately $200 million per year, money that will be returned to the U.S. Treasury. Later in 1997, CBO concluded that eliminating this costly subsidy would complement steps already taken by Congress to deregulate energy markets and to reduce government interference in market operations.

When the PMAs were established during Franklin Roosevelt's administration, they served a useful and necessary purpose. Jobs were created for a nation that was struggling out of a horrible depression. Areas that could not afford the cost of purchasing power lines and generators for their residents were provided electricity at below market rates. At that time, below market sales were a good idea that allowed many more Americans than could afford electricity to enjoy its benefits. CBO concludes that over the past sixty years, many of the concerns that brought about the federal government's role in supplying power have diminished greatly. Nearly 60% of federal sales go to just four states: Tennessee, Alabama, Washington, and Oregon. In fact, nonfederal dams produced an average of 20% more electricity per unit of capacity than did dams supplying the PMAs.

According to a General Accounting Office report entitled, "Federal Electricity Activities," released in October, 1997, in fiscal 1996, Bonneville, the three other PMAs, and the Rural Utilities Service cost the American taxpayer $2.5 billion. In the four year period from 1992 to 1996, the government's net costs were $8.6 billion. In March, 1998, the GAO released an additional study entitled, "Federal Power: Options for Selected Power Marketing Administrations' Role in a Changing Electricity Industry." Among the conclusions in this report were that for that same four year period from 1992–1996, the federal government incurred a net cost of $1.5 billion from its involvement in the electricity-related activities of Southeastern, Southwestern, and Western. Up to $1.4 billion of nearly $7.2 billion of the federal investment in assets derived from these activities is at some risk of nonrecovery.

As for fairness in lending, the GAO found that the interest paid by the PMAs on their outstanding debt (3.5%) is often substantially below the rate that the U.S. Treasury incurred while providing funding to the PMAs (9%), resulting in a shortfall on interest alone of 5.5%. And rates charged by these PMAs were 40% or more below market rates.

Mr. President, it is important to note that my bill does not close the PMAs or the TVA. Rather, it helps them to transition to a market-based operation whereby the vast majority of consumers who do not benefit from PMA below-cost power sales will no longer be penalized so that a few large power companies can purchase cheap, bulk power. My bill will provide for full cost recovery rates for power sold by the PMAs and the TVA. To accomplish this goal, PMA and TVA rates will be recalculated and resubmitted to the Federal Energy Regulatory Commission (FERC) for approval.

In addition, the bill requires that PMA and TVA transmission facilities are subject to open-access regulation by the FERC, and that regulation will be strengthened by authorizing FERC to revise such rates. Cooperatives and public power entities will be given the right of first refusal of PMA and TVA power at market prices. Revenue accrued from the revisal of these rates will go first to the U.S. Treasury to cover all costs. The residual amount will then be disbursed by formula to the Treasury to mitigate damage to fish and wildlife and other environmental damage attributed to the operation of PMAs and the TVA, and to support renewable electricity generating resources.

Mr. President, these figures speak for themselves. In an era where the Congress has taken great strides toward eliminating the government's involvement in private industry, the PMAs are a white elephant. Sixty years after its inception, public power is less expensive, more accessible, and more widely available than ever before. There is no reason for the government to continue this wasteful subsidy to the fiscal detriment of the American people and the U.S. Treasury. I urge my colleagues to join me and my colleagues, Senators MOYNIHAN and REED of Rhode Island, in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.•

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

S. 2499

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 "Power Marketing Administration Reform Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the use of fixed allocations of joint multipurpose project costs and the failure to provide for the recovery of actual interest costs and depreciation have resulted in—

(A) substantial failures to recover costs properly recoverable through power rates by the Federal Power Marketing Administrations and the Tennessee Valley Authority; and

(B) the imposition of unreasonable burdens on the taxpaying public;

(2) existing underallocations and underrecovery of costs have led to inefficiencies in the marketing of Federally generated electric power and to environmental damage; and

(3) with the emergence of open access to power transmission and competitive bulk power markets, market prices will provide the lowest reasonable rates consistent with—

(A) sound business principles;

(B) maximum recovery of costs properly allocated to power production; and

(C) encouraging the most widespread use of power marketed by the Federal Power Marketing Administrations and the Tennessee Valley Authority.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) full cost recovery rates for power sold by the Federal Power Marketing Administrations and the Tennessee Valley Authority; and

(2) a transition to market-based rates for the power.

SEC. 3. SALE OR DISPOSITION OF FEDERAL POWER BY FEDERAL POWER MARKETING ADMINISTRATIONS AND THE TENNESSEE VALLEY AUTHORITY.

(a) ACCOUNTING.—Notwithstanding any other provision of law, as soon as practicable after the date of enactment of this Act, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, shall develop and implement procedures to ensure that the Federal Power Marketing Administrations and the Tennessee Valley Authority use the same accounting principles and requirements (including the accounting principles and requirements with respect to the accrual of actual interest costs during construction and pending repayment for any project and recognition of depreciation expenses) as are applied by the Commission to the electric operations of public utilities.

(b) DEVELOPMENT AND SUBMISSION OF RATES TO THE COMMISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act and periodically thereafter but not less frequently than once every 5 years, each Federal Power Marketing Administration and the Tennessee Valley Authority shall submit to the Federal Energy Regulatory Commission a description of proposed rates for the

sale or disposition of Federal power that will ensure the recovery of all costs incurred by the Federal Power Marketing Administration or the Tennessee Valley Authority, respectively, for the generation and marketing of the Federal power.

(2) COSTS TO BE RECOVERED.—The costs to be recovered under paragraph (1)—

(A) shall include all fish and wildlife expenditures required under treaty and legal obligations associated with the construction and operation of the facilities from which the Federal power is generated and sold; and

(B) shall not include any cost of transmitting the Federal power.

(c) COMMISSION REVIEW, APPROVAL, OR MODIFICATION.—

(1) IN GENERAL.—The Federal Energy Regulatory Commission shall review and either approve or modify rates for the sale or disposition of Federal power submitted to the Commission by each Federal Power Marketing Administration and the Tennessee Valley Authority under this section, in a manner that ensures that the rates will recover all costs described in subsection (b)(2).

(2) BASIS FOR REVIEW.—The review by the Commission under paragraph (1) shall be based on the record of proceedings before the Federal Power Marketing Administration or the Tennessee Valley Authority, except that the Commission shall afford all affected persons an opportunity for an additional hearing in accordance with the procedures established for ratemaking by the Commission under the Federal Power Act (16 U.S.C. 791a et seq.).

(d) APPLICATION OF RATES.—

(1) IN GENERAL.—Beginning on the date of approval or modification by the Commission of rates under this section, each Federal Power Marketing Administration and the Tennessee Valley Authority shall apply the rates, as approved or modified by the Commission, to each existing contract for the sale or disposition of Federal power by the Federal Power Marketing Administration or the Tennessee Valley Authority to the maximum extent permitted by the contract.

(2) APPLICABILITY.—This section shall cease to apply to a Federal Power Marketing Administration or the Tennessee Valley Authority as of the date of termination of all commitments under any contract for the sale or disposition of Federal power that were in existence as of the date of enactment of this Act.

(e) ACCOUNTING PRINCIPLES AND REQUIREMENTS.—In developing or reviewing the rates required by this section, the Federal Power Marketing Administrations, the Tennessee Valley Authority, and the Commission shall rely on the accounting principles and requirements developed under subsection (a).

(f) INTERIM RATES.—Until market pricing for the sale or disposition of Federal power by a Federal Power Marketing Administration or the Tennessee Valley Authority is fully implemented, the full cost recovery rates required by this section shall apply to—

(1) a new contract entered into after the date of enactment of this Act for the sale of power by a Federal Power Marketing Administrator or the Tennessee Valley Authority; and

(2) a renewal after the date of enactment of this Act of an existing contract for the sale of power by a Federal Power Marketing Administration or the Tennessee Valley Authority.

(g) TRANSITION TO MARKET-BASED RATES.—

(1) IN GENERAL.—If the transition to full cost recovery rates would result in rates that exceed market rates, the Secretary of Energy may approve rates for power sold by Federal Power Marketing Administrations at market rates, and the Tennessee Valley Authority may approve rates for power sold by the Tennessee Valley Authority at market rates, if—

(A) operation and maintenance costs are recovered, including all fish and wildlife costs required under existing treaty and legal obligations;

(B) the contribution toward recovery of investment pertaining to power production is maximized; and

(C) purchasers of power under existing contracts consent to the remarketing by the Federal Power Marketing Administration or the Tennessee Valley Authority of the power through competitive bidding not later than 3 years after the approval of the rates.

(2) COMPETITIVE BIDDING.—Competitive bidding shall be used to remarket power that is subject to, but not sold in accordance with, paragraph (1).

(h) MARKET-BASED PRICING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall develop and implement procedures to ensure that all power sold by Federal Power Marketing Administrations and the Tennessee Valley Authority is sold at prices that reflect demand and supply conditions within the relevant bulk power supply market.

(2) BID AND AUCTION PROCEDURES.—The Secretary of Energy shall establish by regulation bid and auction procedures to implement market-based pricing for power sold under any power sales contract entered into by a Federal Power Marketing Administration or the Tennessee Valley Authority after the date that is 2 years after the date of enactment of this Act, including power that is under contract but that is declined by the party entitled to purchase the power and remarketed after that date.

(i) USE OF REVENUE COLLECTED THROUGH MARKET-BASED PRICING.—

(1) IN GENERAL.—Revenue collected through market-based pricing shall be disposed of as follows:

(A) REVENUE FOR OPERATIONS, FISH AND WILDLIFE, AND PROJECT COSTS.—Revenue shall be remitted to the Secretary of the Treasury to cover—

(i) all power-related operations and maintenance expenses;

(ii) all fish and wildlife costs required under existing treaty and legal obligations; and

(iii) the project investment cost pertaining to power production.

(B) REMAINING REVENUE.—Revenue that remains after remission to the Secretary of the Treasury under subparagraph (A) shall be disposed of as follows:

(i) FEDERAL BUDGET DEFICIT.—50 percent of the revenue shall be remitted to the Secretary of the Treasury for the purpose of reducing the Federal budget deficit.

(ii) FUND FOR ENVIRONMENTAL MITIGATION AND RESTORATION.—35 percent of the revenue shall be deposited in the fund established under paragraph (2)(A).

(iii) FUND FOR RENEWABLE RESOURCES.—15 percent of the revenue shall be deposited in the fund established under paragraph (3)(A).

(2) FUND FOR ENVIRONMENTAL MITIGATION AND RESTORATION.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Fund for Environmental Mitigation and Restoration" (referred to in this paragraph as the "Fund"), consisting of funds allocated under paragraph (1)(B)(ii).

(ii) ADMINISTRATION.—The Fund shall be administered by a Board of Directors consisting of the Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, or their designees.

(B) USE.—Amounts in the Fund shall be available for making expenditures—

(i) to carry out project-specific plans to mitigate damage to, and restore the health of, fish, wildlife, and other environmental resources that is attributable to the construction and operation of the facilities from which power is generated and sold; and

(ii) to cover all costs incurred in establishing and administering the Fund.

(C) PROJECT-SPECIFIC PLANS.—

(i) IN GENERAL.—The Board of Directors of the Fund shall develop a project-specific plan described in subparagraph (B)(i) for each project that is used to generate power marketed by the Federal Power Marketing Administration or the Tennessee Valley Authority.

(ii) USE OF EXISTING DATA, INFORMATION, AND PLANS.—In developing plans under clause (i), the Board, to the maximum extent practicable, shall rely on existing data, information, and mitigation and restoration plans developed by—

(I) the Commissioner of the Bureau of Reclamation;

(II) the Director of the United States Fish and Wildlife Service;

(III) the Administrator of the Environmental Protection Agency; and

(IV) the heads of other Federal, State, and tribal agencies.

(D) MAXIMUM AMOUNT.—

(i) IN GENERAL.—The Fund shall maintain a balance of not more than $200,000,000 in excess of the amount that the Board of Directors of the Fund determines is necessary to cover the costs of project-specific plans required under this paragraph.

(ii) SURPLUS REVENUE FOR DEFICIT REDUCTION.—Revenue that would be deposited in the Fund but for the absence of such project-specific plans shall be used by the Secretary of the Treasury for purposes of reducing the Federal budget deficit.

(3) FUND FOR RENEWABLE RESOURCES.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the "Fund for Renewable Resources" (referred to in this paragraph as the "Fund"), consisting of funds allocated under paragraph (1)(B)(iii).

(ii) ADMINISTRATION.—The Fund shall be administered by the Secretary of Energy.

(B) USE.—Amounts in the Fund shall be available for making expenditures—

(i) to pay the incremental cost (above the expected market cost of power) of nonhydroelectric renewable resources in the region in which power is marketed by a Federal Power Marketing Administration; and

(ii) to cover all costs incurred in establishing and administering the Fund.

(C) ADMINISTRATION.—Amounts in the Fund shall be expended only—

(i) in accordance with a plan developed by the Secretary of Energy that is designed to foster the development of nonhydroelectric renewable resources that show substantial long-term promise but that are currently too expensive to attract private capital sufficient to develop or ascertain their potential; and

(ii) on recipients chosen through competitive bidding.

(D) MAXIMUM AMOUNT.—

(i) IN GENERAL.—The Fund shall maintain a balance of not more than $50,000,000 in excess of the amount that the Secretary of Energy determines is necessary to carry out the plan developed under subparagraph (C)(i).

(ii) SURPLUS REVENUE FOR DEFICIT REDUCTION.—Revenue that would be deposited in the Fund but for the absence of the plan shall be used by the Secretary of the Treasury for purposes of reducing the Federal budget deficit.

(j) PREFERENCE.—

(1) IN GENERAL.—In making allocations or reallocations of power under this section, a Federal Power Marketing Administration and the Tennessee Valley Authority shall provide a preference for public bodies and cooperatives by providing a right of first refusal to purchase the power at market prices.

(2) USE.—

(A) IN GENERAL.—Power purchased under paragraph (1)—

(i) shall be consumed by the preference customer or resold for consumption by the constituent end-users of the preference customer; and

(ii) may not be resold to other persons or entities.

(B) TRANSMISSION ACCESS.—In accordance with regulations of the Federal Energy Regulatory Commission, a preference customer shall have transmission access to power purchased under paragraph (1).

(3) COMPETITIVE BIDDING.—If a public body or cooperative does not purchase power under paragraph (1), the power shall be allocated to the next highest bidder.

(k) REFORMS.—The Secretary of Energy shall require each Federal Power Marketing Administration to implement—

(1) program management reforms that require the Federal Power Marketing Administration to assign personnel and incur expenses only for authorized power marketing, reclamation, and flood control activities and not for ancillary activities (including consulting or operating services for other entities); and

(2) annual reporting requirements that clearly disclose to the public, the activities of the Federal Power Marketing Administration (including the full cost of the power projects and power marketing programs).

(l) CONTRACT RENEWAL.—Effective beginning on the date of enactment of this Act, a Federal Power Marketing Administration shall not enter into or renew any power marketing contract for a term that exceeds 5 years.

(m) RESTRICTIONS.—Except for the Bonneville Power Administration, each Federal Power Marketing Administration shall be subject to the restrictions on the construction of transmission and additional facilities that are established under section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 890)).

SEC. 4. TRANSMISSION SERVICE PROVIDED BY FEDERAL POWER MARKETING ADMINISTRATIONS AND TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), a Federal Power Marketing Administration and the Tennessee Valley Authority shall provide transmission service on an open access basis, and at just and reasonable rates approved or established by the Federal Energy Regulatory Commission under part II of the Federal Power Act (16 U.S.C. 824 et seq.), in the same manner as the service is provided under Commission rules by any public utility subject to the jurisdiction of the Commission under that part.

(b) EXPANSION OF CAPABILITIES OR TRANSMISSIONS.—Subsection (a) does not require a Federal Power Marketing Administration or the Tennessee Valley Authority to expand a transmission or interconnection capability or transmission.

SEC. 5. INTERIM REGULATION OF POWER RATE SCHEDULES OF FEDERAL POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—During the date beginning on the date of enactment of this Act and ending on the date on which market-based pricing is implemented under section 3 (as determined by the Federal Energy Regulatory Commission), the Commission may review and approve, reject, or revise power rate schedules recommended for approval by the Secretary of Energy, and existing rate schedules, for power sales by a Federal Power Marketing Administration.

(b) BASIS FOR APPROVAL.—In evaluating rates under subsection (a), the Federal Energy Regulatory Commission, in accordance with section 3, shall—

(1) base any approval of the rates on the protection of the public interest; and

(2) undertake to protect the interest of the taxpaying public and consumers.

(c) COMMISSION ACTIONS.—As the Federal Energy Regulatory Commission determines is necessary to protect the public interest in accordance with section 3 until a full transition is made to market-based rates for power sold by Federal Power Marketing Administrations, the Federal Energy Regulatory Commission may—

(1) review the factual basis for determinations made by the Secretary of Energy;

(2) revise or modify those findings as appropriate;

(3) revise proposed or effective rate schedules; or

(4) remand the rate schedules to the Secretary of Energy.

(d) REVIEW.—An affected party (including a taxpayer, bidder, preference customer, or affected competitor) may seek a rehearing and judicial review of a final decision of the Federal Energy Regulatory Commission under this section in accordance with section 313 of the Federal Power Act (16 U.S.C. 825*l*).

(e) PROCEDURES.—The Federal Energy Regulatory Commission shall by regulation establish procedures to carry out this section.

SEC. 6. CONFORMING AMENDMENTS.

(a) TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR.—Section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)) is amended by striking the last sentence.

(b) USE OF FUNDS TO STUDY NONCOST-BASED METHODS OF PRICING HYDROELECTRIC POWER.—Section 505 of the Energy and Water Development Appropriations Act, 1993 (42 U.S.C. 7152 note; 106 Stat. 1343) is repealed.

SEC. 7. APPLICABILITY.

Except as provided in section 3(l), this Act shall take apply to a power sales contract entered into by a Federal Power Marketing Administration or the Tennessee Valley Authority after July 23, 1997.●

By Mr. ENZI (for himself, Mr. THOMAS, and Mr. BINGAMAN):

S. 2500. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Energy and Natural Resources.

COALBED METHANE PATENT HOLDERS PROTECTION LEGISLATION

Mr. ENZI. Mr. President, I rise today, with my colleagues, Senator CRAIG THOMAS of Wyoming, and Senator JEFF BINGAMAN of New Mexico, to introduce a very important bill for our western States and for others that have a lot of federally-owned coal. We have been working with other members, members of the Energy Committee, and with the Department of Interior to put together a good consensus bill.

On July 20, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas. That means instead of belonging to the owner of the oil and gas, as it has for the past 80 years, it may now belong to the owner of the coal. In Wyoming, the owner of the oil and gas is often different from the owner of the coal—which in most cases is the Federal Government.

What does that mean? In my home county, the Federal Government owns only about 55% of the oil and gas, but it owns 95% of the coal. That means, in many places where these two resources occur together, there are separate owners. This decision is poised to strip away a majority of the private ownership of gas in Campbell County. It could be an immediate transfer of $250 million over thirty years from private owners to the government—a loss of income and economic activity that will destroy the economy in my home town.

The effects will be widespread because this decision would overturn a decades-old U.S. Government policy. This Interior policy has acted as the basis for thousands of gas contracts across the west. People have been using since 1981 to govern the development of their contracts and leases. Today, the Circuit Court's decision places all of those contracts in legal limbo. That limbo threatens the livelihood of entire regions in the States like Wyoming, Colorado, Utah and New Mexico.

WHO CURRENTLY OWNS THE GAS?

For those of my colleagues who haven't been deeply involved in western public lands energy issues—across the west, oil and gas is often owned separately from the coal. It may also be separate from hardrock minerals, and over time through sale, can also be separate from the surface rights. This system of split mineral estates is the result of many layers of Federal statutes that granted varying levels of patents to homesteaders.

The particular problem before us, arises out of the Coal Land Acts of 1909 and 1910. Those statutes specified that homesteaders could retain surface rights (including the oil and gas) but reserved the coal to the U.S. Government. Now the question about whether methane is a gas, or coal, leads to questions of ownership.

In Wyoming today, gas producers—through lease agreements with federal,

state and private owners in Wyoming—produce over a billion cubic feet of methane gas per month. These leases are between the producers and the owners of the gas and many of them have been in effect for as long as twenty years and more. In New Mexico and Colorado, they are producing over 75 billion cubic feet of gas per month under the same system. This Court decision—which would attach the methane to the coal owner or lessee—jeopardizes all of the gas leases that govern these wells—including the federal gas leases.

HOW SERIOUS IS IT?

The effect of this decision will have a profound impact in certain regions. Consider some of these effects:

1. For the farm families who have secured mortgages with their royalties, this invalidation could deprive them of much needed lease income and force them into bankruptcy.

2. For the small community banks who hold those loans, a number of bankruptcies could jeopardize their solvency.

3. For the producing companies operating—or planning to operate—on those leases, this could delay their production—and all the jobs that come with it—for a year or more. So while the judicial system is sorting out the ownership issue, drilling and servicing companies are going to go belly up. Oil exploration has stalled because of low prices, so if they can't drill for cheap gas, there isn't much business.

I received a letter in my office the other day from a small bank in Buffalo, Wyoming. In the letter, they discussed the effects this decision may have on interest owners and various trusts held by their bank. The advisory committee for one particular trust voted to suspend all further royalty payments to the trust beginning September 1. That decision was made based on the tax consequences and on the potential liability of having to repay royalties should any retrospective decisions be made.

Another constituent contacted me to tell me that his multi-million lease agreement—that he had worked on for more than a year—had just fallen apart because this court decision had clouded the title. The investors had been unwilling to go through with the deal.

These stories are just the start of a devastating series of consequences that will arise out of this decision. Each breakdown will have a multiplying effect on unemployment and loss of confidence in western states.

This is a very serious situation, Mr. President, but it is one that can be stabilized.

Today, we are offering a bill that would grandfather the leases that have been negotiated, in good faith, according to the explicit policies of the U.S. Government. The amendment would ensure that existing leases to produce methane—or natural gas out of the coalseam, as some of the older leases read—remain valid and that there is no future assertion of ownership by the Federal Government on these parcels.

The amendment applies only to federally owned coal. It would not have any effect on tribally owned or state-owned coal. We have worked this out with the Chairman of the Indian Affairs Committee, Senator CAMPBELL from Colorado.

Furthermore, we have worked with the coal companies, who have valid concerns about their existing and future leases to mine federal coal. We have made it clear that nothing in this bill should be construed to limit their ability to mine federal coal under valid leases, nor should anything be construed to expand their liabilities to coalbed methane owners covered by the bill.

The timing of the decision means we will be working to move this bill as soon as possible. Next year, we will pursue a more in-depth review of the situation. This body will need to conduct hearings and look at ways to work out problems with future leases and with conflicting resource use issues. These are details that demand very careful consideration.

For now, however, we should take this opportunity to provide some certainty for people with existing agreements. This is a statement of support for the sanctity of those contracts—and a statement of support for the economies in our states.

In closing, I would like to thank the Republican and Democratic members of the Senate who have been so important in helping us to work out this legislation. A special thanks to the Indian Affairs Committee for helping us craft language to accommodate tribal lands and a special thanks to the Department of Interior, who is helping us to protect eighty years of doing business. They have also helped us remove the possibility of devastating private property takings, retroactive liabilities, and mountains of litigation.

Mr. THOMAS. Mr. President, I rise today to strongly support this legislation designed to protect contracts and leases of surface patent holders for coalbed methane. This legislation, which my colleague Senator ENZI and I are jointly introducing along with our House colleague Congresswoman CUBIN, is vitally important to coalbed methane producers and lease holders in Wyoming and will address a problem which arose due to an appellate court decision rendered earlier this summer.

On July 20, 1998, the Tenth Circuit Court of Appeals turned years of precedent and practice on its head by ruling that coalbed methane should be classified as a coal-by-product rather than a form of natural gas. That decision was completely contrary to past interpretation, and will severely impact coaled methane lease holders in Wyoming and throughout the nation. The ruling will also delay completion of leases and drilling, which will negatively impact our state's economy.

The court's decision is particularly troubling for producers because the Office of the Solicitor at the Department of Interior had issued two earlier opinions regarding ownership of coalbed methane in federally-owned coal, which were directly opposite to the appellate court's ruling. Both in 1981 and in 1990, the Solicitor's office issued options which stated that coalbed methane was not part of the federally-reserved coal protected under the 1909 and 1910 Coal Lands Acts. Now, leaseholders and producers, who believed they were acting in good faith and compliance with federal law, are faced with the troubling possibility that their leases may be revoked.

The legislation that we are introducing today is designed to remedy many of the problems caused by the appellate court's decision. This bill would protect current contracts and leases of surface patent holders for coalbed methane gas. The measure does not address future leases or contracts and only deals with folks who are already engaged in the production of coalbed methane gas or who have leased land for drilling and exploration. It is a fair and reasonable proposal and would simply protect people who acted in compliance with the law as it was interpreted by the Department of Interior.

Mr. President, I hope the Senate will take quick action on this measure and approve it as quickly as possible. Coalbed methane production is a growing and vibrant part of Wyoming's economy and we need to take action to ensure that the lives of folks who rely on stable production of coalbed methane are not completely disrupted. Producers acted in good faith and in compliance with the law as they knew it. We should not punish them for actions beyond their control and should work to ensure that the blood and sweat which they invested into their businesses is not swept away by the actions of the court.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 712

At the request of Mr. MOYNIHAN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 2049

At the request of Mr. KERREY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2049, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 2180

At the request of Mr. LOTT, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2208

At the request of Mr. FRIST, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 2341

At the request of Mr. DEWINE, the names of the Senator from New York (Mr. D'AMATO), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2341, a bill to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Kentucky (Mr. FORD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 274, a resolution to express the sense of the Seante that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

FEINGOLD (AND SPECTER) AMENDMENT NO. 3602

Mr. FEINGOLD (for himself and Mr. SPECTER) proposed an amendment to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

On page 5, strike Section 102(3)(A) on lines 18 through 25.

On page 5 on line 17 after "bad faith," insert:

"(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings:

(i) a motion for dismissal under this subsection and the court grants that motion and finds that the action of the debtor in filing under this chapter was not substantially justified, the court shall order the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees; or

(ii) a motion for conversion under this subjection and the court grants that motion the court shall award reasonable costs in prosecuting the motion, including reasonable attorneys' fee, which shall be treated as an administrative expense under Section 503(b) in a case under this title that is converted to a case under another chapter of this title."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will be held in Espanola, New Mexico at the Mission Convento on Saturday, September 26, 1998, at 9:00 a.m. The Mission Convento is located at the Plaza de Espandola, Number 1 Calle de Espanola, New Mexico.

The purpose of this hearing is to receive testimony on the issues surrounding the determination of the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 and the two bills introduced to date on this subject, S. 2155 and H.R. 2538.

The Subcommittee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others who wish to testify may, as time permits, made a brief statement of not more than 2 minutes. Those wishing to testify please contact Tony Benavidec of Senator DOMENICI's office at (505) 988–6511 or Joe Ruiz of Senator BINGAMAN's office at (505) 988–6647. The deadline for signing up to testify is Thursday, September 24, 1998. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

ADDITIONAL STATEMENTS

NATIONAL POW/MIA RECOGNITION DAY

• Mr. D'AMATO. Mr. President, I rise to remind everyone that today is National POW/MIA Recognition Day. On this day, we should remember, give tribute to, and stand in solidarity with the loved ones and families of the thousands of Soldiers, Sailors, Marines and Airmen who were or are Prisoners of War and Missing in Action. I am humbled by and grateful for their love of country and their sense of duty and honor.

Amidst the somber thoughts, the feelings of gratitude and pride that this day brings, as a Nation we must be uneasy. Uneasy because while we are a nation at peace and the wars in which these men fought are long over, they have not all returned home and we should not rest until their families have their loved ones back.

These Americans swore an oath to support and defend the constitution and carried that promise through to the ultimate sacrifice for this great nation. While thousands died, many others endured years in starved, tortured, isolated misery before regaining the freedoms we enjoy. Their persistence, integrity and heroism are shining examples of the core values on which this nation was founded and became great.

Mr. President, we need to produce results. Headway is being made, but there is still a long way to go before we have the fullest possible accounting of all POW/MIA personnel.

Over the past six years, 136 Americans have been accounted for from Laos, Vietnam and Cambodia thanks to extensive field work. Earlier this month, thanks to the US-Russia Joint Commission on POW/MIAS established in 1991, seventeen airmen were at long last identified, returned to their native soil laid to rest at Arlington National Cemetery. These brave airmen were shot down over Soviet Armenia in 1958, during the height of the Cold War. For their loved ones and family members, the long wait is over, but by no means

will their loss or sacrifices be forgotten. For many, however, the anguish continues.

While much of the focus on POW/MIAs has rightly been on Southeast Asia where 2081 personnel remain unaccounted for, we must also honor those who were held prisoner and who are missing in action in other remote parts of the globe. More than 80,000 Americans remain missing and unaccounted for from World War I, World War II and the Korean conflict, and countless others from the Cold War.

These great Americans and their families have the gratitude of a great and free nation, but we in the Senate shall not rest until all are returned or accounted for. I urge you, Mr. President, the Administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency to redouble their efforts to bring our boys hone as quickly as possible. Let us all take to heart the motto from the POW/MIA flag, which flies over the Capitol today, and which is displayed every day in the Capitol rotunda: "YOU ARE NOT FORGOTTEN."•

NATIONAL POW/MIA RECOGNITION DAY

• Mr. SMITH of New Hampshire. Mr. President, Friday, September, 18, 1998 has been designated this year by our Federal and State Governments as National POW/MIA Recognition Day. As we have done for nearly 20 years, we reaffirm today our national commitment to obtaining the fullest possible accounting for America's POWs and MIAs. This is also a day to remember and pay tribute to the ultimate sacrifices that have been made by America's finest and bravest service personnel—our unaccounted for prisoners of war and missing in action personnel who never returned from wartime enemy territory.

It has been an honor and privilege for me, since my election to the Congress in 1984, to assist the POW/MIA families, our veterans, and their friends and supporters, with the many efforts that have been undertaken to try to achieve a proper accounting for so many of our nation's heroes whose fate remains unknown. It has been a difficult and emotional task, complicated by on and off-again cooperation by foreign governments

As many of my colleagues know, I served as Vice-Chairman of the Senate Select Committee on POW/MIA Affairs in 1992, and I currently serve as the U.S. Chairman of the Vietnam War Working Group of the Joint U.S./Russian Commission on POWs and MIAs. I have traveled to North Korea, Vietnam, Russia, Laos, Cambodia, Poland, and the Czech Republic trying to assist our Government's efforts to open archives and interview people knowledgeable about the fate of our unaccounted for captured and missing personnel. I have also made efforts over the last year to prod our own U.S. Intelligence Community to provide the analysis and support necessary to help shape our policy toward nations that hold the answers we seek. Finally, I continue to work to ensure that U.S. Government records on this issue are declassified and made available to the public.

Mr. President, today, as I have every year in this Chamber, I urge the Administration to take the opportunity National POW/MIA Recognition Day provides to rededicate itself to the fullest possible accounting mission. I also urge all Americans to continue expressing their concerns on this national issue because public awareness is critical to the accounting effort.

In closing, I again want to assure my constituents in New Hampshire, my fellow veterans, the POW/MIA families, and the countless Americans who have contacted me through the years, that I remain absolutely committed to doing everything I can to learn the truth about our POWs and MIAs to whom we pay tribute on this special day.•

THE CHILD NUTRITION REAUTHORIZATION ACT AND THE SCHOOL BREAKFAST RESEARCH PROPOSAL

• Mr. JOHNSON. Mr. President, I rise today to give my full support for the Child Nutrition Reauthorization Act. This important legislation funds important child nutrition programs for the next five years until the year 2003.

I want to commend Agriculture Committee Chairman LUGAR and Ranking Member HARKIN and my colleagues on the Agriculture Committee for working cooperatively, in a bipartisan spirit, to unanimously pass this bill out of Committee. Also, I want to thank my Senate colleagues for passing this vital legislation unanimously last evening. Clearly, this demonstrates our commitment to feeding our nation's children.

The Child Nutrition Reauthorization bill provides funding for the National School Lunch and Breakfast Programs, the Child and Adult Care Food Program, the Summer Food Service Program, the Women, Infant and Children (WIC) program along with many other nutritious food programs to feed our nation's youth.

One of the provisions in this legislation that I worked closely on during the creation of this legislation was a $20 million provision that provides for detailed research on how school breakfast impacts a child's academic success.

This research provision is a modified version of S. 1396, the Meals for Achievement Act that I introduced last November. The research provision provides for the mandatory funding for a $20 million school breakfast research project to further test the impacts of school breakfast on children's academic and behavioral skills.

This provision will require the Secretary of Agriculture to conduct a five year school breakfast study in six different school districts throughout the United States—involving approximately 15,000 school children.

As I've stated before, the research on the impacts of children eating school breakfast speaks for itself. Not only do academic scores in reading, writing, and math improve, levels of hyperactivity and tardiness are greatly reduced.

The purpose of this study is to further analyze the existing data and to provide additional research and data at the national level and to prove the positive impacts of eating a school breakfast. It is important to note that the funding for the research provision will require no new additional expenses and maintains our balanced budget discipline. It is not my intention with this research project to create a whole new federal bureaucracy that only deals with the implementation of school breakfast program. Furthermore, after the researchers have completed the five-year study and find school breakfast does indeed improve a child's academic success, we, as federal lawmakers, can work with local and state school authorities to create guidelines of how school breakfasts can improve a child's academic success.

The rationale for this provision of the Child Nutrition Reauthorization Act is very simple. In order for the United States to compete effectively in the world, we must have an educated and productive workforce. In order to have an educated and productive workforce, we must prepare our children to learn. In order to prepare our children to learn they must be well nourished, and that begins with a good healthy breakfast.

The best teachers in the world, with the best standards, cannot teach a hungry child. A child who begins his or her school day with their stomach growling because they either did not have time to eat breakfast or there was no breakfast to be served, is simply too distracted to focus on the lessons being provided by the teacher.

In 1994, the Minnesota legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, showed that when all students are involved in school breakfast, there is a general increase in learning and achievement.

Researchers at Harvard and Massachusetts General Hospital recently

completed a study on the results of universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, published this week in the Archives of Adolescent and Pediatric Medicine which is a journal of the American Medical Association, found that students who ate the breakfast showed great improvement in math grades, attendance, and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

If we are serious about improving our education system in America, we must first prepare our children to learn. The time has come, therefore, to build upon the pilot program in Minnesota, Philadelphia, Baltimore, and other cities, and integrate school breakfast into the education day, at least at the elementary school level.

I believe that ensuring a nutritious breakfast for our school kids will help close this "opportunity deficit." As America enters the 21st century, we cannot afford to allow a single child to be left behind. As Robert Kennedy once wrote, "We need the best of many—not of just a few. We must strive for excellence." Clearly, the Meals for Achievement provision in the Child Nutrition Reauthorization Act is a step in that direction.•

LET'S ENCOURAGE BROWNFIELDS DEVELOPMENT AND GET THE LITTLE GUY OUT OF SUPERFUND LITIGATION AT CO-DISPOSAL SITES

• Mr. LAUTENBERG. Mr. Mr. President, yesterday the Majority Leader made a long statement on behalf of Senate action on S. 2180, the "Superfund Recycling Equity Act," which he introduced earlier this year. This legislation would clarify that persons who merely recycle certain specified materials, but did not dispose of those materials, are not subject to Superfund liability.

Today, Mr. President, I join as a cosponsor of this legislation. And, I note for the record, that I was the author of the recycling provision in 1993. I included it in comprehensive Superfund reform legislation, S.1834, which I introduced when I was Chairman of the Senate Superfund Subcommittee. As Senator LOTT noted yesterday, this provision has reappeared in every major, comprehensive Superfund bill since then, whether authored by Democrat or Republican. And it has been introduced in every Congress, by Democrats and Republicans, as stand-alone legislation. There is broad-based, bipartisan support for this legislation which would remove impediments to recycling efforts. It now appears that some type of liability relief for recyclers will be considered by the Environment and Public Works Committee next week, although it is not clear exactly which of several proposals will be considered.

For this reason, Mr. President, I would like to bring to the Senate's attention two other very similar provisions which I believe should be considered in conjunction with S. 1280. They are designed to expedite the revitalization of communities all across this country, and to provide relief to untold numbers of small business owners, small non-profits, and individuals who sent only ordinary household trash to landfills that are now Superfund sites.

Mr. President, once it became clear that the Congress would not act on comprehensive Superfund legislation this year, and the Majority Leader expressed his interest in enacting a liability exemption for certain recyclers, I suggested that we also take the very modest step of enacting a similar exemption for brownfields development and for those who innocently disposed of municipal solid waste at landfills that later became Superfund sites. I wrote to the Chairman of the Environment and Public Works Committee, asking that the Committee consider exemptions for brownfields and municipal solid waste (MSW) disposal, should it take up any liability exemptions—because brownfields and MSW exemptions also enjoy broad, bi-partisan support and have been regarded as non-controversial. The Chairman responded that he opposed so-called piecemeal reform of Superfund, and that the Committee would not be considering such legislation this year. In deference to this judgement, I deferred introducing separate legislation. Now that the Committee apparently will be considering liability exemptions for recyclers, I hope we will also have an opportunity to consider exemptions for brownfields and MSW.

Mr. President, as is the case for recyclers, provisions to clarify the law on liability for brownfields development and MSW have been included, with bipartisan support, in every comprehensive Superfund bill since 1993. In virtually every regard, they meet the same criteria that have been offered to justify enacting exemptions for recyclers. They are simple clarifications of existing law to correct unintended consequences of the Superfund liability scheme. They have gained the support of all stakeholders, the Environmental Protection Agency, the Department of Justice, and the national environmental community. The brownfields and MSW "fixes" are minor, but are critical for successful brownfields development, or to those subjected to unfair and unintended litigation. They do not involve cleanup standards or natural resource damages. They do not deal with orphan shares or municipal liability. And they offer significant economic and environmental benefits.

Why, then, should the Senate reject consideration of these "fixes?" Only one reason is offered: that they should be held hostage to comprehensive Superfund reform! Mr. President, it is argued they are so popular, and enjoy such broad ranging support, and provide such significant benefits to the nation, that we should hold them hostage to see if they provide a stimulus for action on comprehensive legislation in the next Congress. It is argued that they should be held as "sweeteners" to try to sweeten the sour pot of proposed changes to the Superfund program that have been rejected by three successive Congresses.

Mr. President, with all due respect to those making this argument, I think it is wrong to prevent enactment of legislation that enjoys broad support, and would reap acknowledged benefits, as a tactical matter to achieve unrelated goals. I think this disserves the public and adds to public cynicism. For a variety of reasons, efforts to radically change Superfund, the nation's toxic waste cleanup program, have failed for six years running. Toward the end of each of the past two congresses, many Senators, including this Senator, have argued that we should move ahead with achievable reforms that are non-controversial and permit our people, our communities, and our economy to benefit from their enactment. Today, as we head into the final weeks of this Congress, I make the same plea. Just as holding recyclers hostage to comprehensive Superfund reform has not worked, so holding brownfields development and persons who disposed of household trash hostage to other legislative goals is a failed strategy. It will not mitigate the controversy intrinsic to the broader issues raised by comprehensive legislation. Yet, it robs communities across the country of the jobs and tax ratables that flow from revitalized brownfields and imposes severe penalties on the individuals and small businesses caught up in a litigation nightmare through no fault of their own.

Mr. President, in the last Congress, the Majority party insisted on an all or nothing Superfund strategy. But, when that failed, lender liability legislation was passed in response to a strong lobbying effort by lenders who, understandably, wanted relief from liabilities that were unfair and made no sense. I supported lender liability relief because I thought it had public benefits and corrected an injustice.

In these last weeks of the 105th Congress, a similar game plan is unfolding. Thousands of recyclers around the country are asking for liability relief—relief they deserve, in legislation I support. They have skilled representatives making their case, and I do not fault them for that. In fact, I support their efforts. But, as a Senator from a state with literally thousands of brownfields sites, as well as altogether too many instances of homeowners and small

businesses mired in litigation at landfill sites, it is my responsibility to lobby for those communities and individuals who don't have lobbyists representing them here in the Congress. We, as their elected representatives, are their lobbyists. We are their voice. There is no reason in the world why this Senate, and this Congress, should not move forward to make the minor, non-controversial, and eminently sensible changes to Superfund law that impede brownfields development and rob small businesses of their hard earned profits.

Mr. President, I hope my colleagues will consider the plight of persons who disposed of household waste, or office trash, such as cafeteria waste or paper waste, at the local town dump. I am talking about homeowners, pizza parlor owners, and Girl Scouts who, as unbelievable as it may sound, have been dragged into Superfund litigation. They have not been sued by EPA. They have been sued, primarily, by large corporations who disposed of toxic waste, some by dark of night, at a dump alongside solid waste from homes and small businesses and restaurants.

Through two Congresses now, the Senate Environment and Public Works Committee has heard testimony from Barbara Williams, the owner of Sunny Ray Restaurant, who was named as a fourth-party defendant in litigation concerning the Keystone Sanitation Company, Inc. Superfund Site, in Harrisburg, Pennsylvania. Indeed, the whole country heard her saga, when she was interviewed on "60 Minutes."

How did Barbara Williams get ensnared in Superfund litigation? EPA sued 11 companies that dumped hazardous waste from industrial processes at the Keystone Landfill for a period of years, but did not want to clean it up. These 11 companies sued 180 third-party defendants, who in turn sued 590 fourth-party defendants, including Barbara Williams. But Mrs. Williams sent only mashed potatoes and other restaurant waste to the Keystone Site. Those suing her told her she could get out of the lawsuit if she would pay them $75,000.

Mr. President, a $75,000 assessment is a lot of money for most small businesses, and Barbara Williams is no exception. Further, Barbara Williams is not a polluter. No one at the Department of Justice, the EPA or in the Congress believes she should be liable under Superfund for sending mashed potatoes to the local garbage dump. Nor does anyone believe she should have to pay staggering lawyers' fees to get herself out of this litigation nightmare. Congress could, and should, act now to free Mrs. Williams and get all those like her out of the litigation web. Mrs. Williams, her business, and her family should not be held hostage to some notion that if we wait to grant her justice another two years, or four years, we will enact highly controversial changes to the Superfund program. Comprehensive Superfund legislation will have to rise or fall on its own merits. Barbara Williams should not become a pawn in this legislative battle.

Likewise, Mr. President, this body should ask the same questions about removing obstacles to brownfields development. Brownfields are often in cities, but also are located in many, many suburban and even rural areas. They are abandoned, or idle, former industrial properties. Some of these are contaminated, some are not. But it is the fear that these properties are contaminated that some say deters investors from buying them and redeveloping them.

Mr. President, there are more than 500,000 brownfields staining this country's landscape. The nation's Mayors estimate they lose between $200 and $500 million a year in tax revenues from these properties sitting idle. Returning these sites to productive use could create some 236,000 new jobs. Our nation's Mayors, as well as developers and bankers, say immediate action is imperative, since new tax laws provide incentives for brownfields redevelopment, but expire in 2001.

Congress should act before we adjourn to remove the unintended burden of Superfund liability that deters investors from buying and developing brownfields properties. Brownfields development results in significant economic benefits. It creates jobs and tax ratables for communities, which lowers local tax burdens on residents. The cleanup of brownfields also removes contaminants from our environment. These cleanup initiatives are win/win opportunities that make good environmental sense and good business sense.

Mr. President, if this body takes steps to encourage recycling, which I support, I urge my colleagues to also take steps to encourage brownfields development and to free our nation's small business owners from the unfair and punitive penalties being assessed on them. It is in the interest of good government, and clearly in the interest of millions of Americans, that we do so. Let's act now to revitalize our communities. And let's act now, and let Mrs. Williams discharge her lawyer.

Mr. President, the legislative language which would provide relief from brownfields and MSW liability is well known to all who have followed this debate. But, for the convenience of my colleagues, I ask that a summary be printed in the RECORD.

The summary follows:

Summary of Senator FRANK R. LAUTENBERG's "CERCLA Liability Exemptions Act of 1998", containing a total of four exemptions, three in the brownfields arena and one in the municipal solid waste (MSW) arena.

The proposed legislation would relieve the following persons from Superfund liability:

(1) Brownfields—

(a) Bona fide prospective purchasers—persons who seek to buy contaminated properties, and can show that they did not cause the contamination;

(b) Innocent landowners—persons who already own property that they did not know was contaminated; and

(c) Contiguous landowners—persons who own property that becomes contaminated as a result of contaminants migrating from neighboring properties or areas; and

(2) Municipal Solid Waste—

individuals; small businesses (less than 100 employees); and small non-profit organizations (less than 100 employees)

who disposed only municipal solid waste (ordinary household trash, or house-hold-like trash, such as cafeteria or office paper waste) at a landfill.

The exemptions were replicated, almost verbatim, in S.8, except that S.8 would have shifted the exempt MSW party's share to the Trust Fund. Our Democratic substitute did not assign a share to the exempt MSW party, nor did S. 1834, the consensus bill reported out of EPW on an 11:4 vote in the 103rd Congress.•

75TH ANNIVERSARY OF THE COLUMBIA UNIVERSITY SCHOOL OF PUBLIC HEALTH

• Mr. MOYNIHAN. Mr. President, I want to take this opportunity to bring to the attention of my colleagues the generous gift by the Mailman Foundation to the Columbia University School of Public Health (CSPH). This represents the largest single gift ever made to a school of public health.

CSPH is one of our nation's first schools of public health and is currently celebrating its 75th anniversary. In its recent history, CSPH has distinguished itself on the local, national, and global levels in a variety of public health areas. The Mailman Foundation endowment will help to strengthen and expand areas such as: (1) access to and quality of health care; (2) prevention of childhood poverty; (3) the enhancement of women's reproductive health, including STD prevention services, and reduction in pregnancy-related deaths in developing countries; (4) the identification of environmental factors such as air and water quality as a cause of disease; (5) the prevention of community and household violence; and (6) AIDS research and treatment.

In addition to these important areas of program and research support, the gift will also be used to provide financial aid to students and for faculty support.

The family-run Mailman Foundation was created by the late Joseph Mailman, the founder of Mailman Corporation, one of the earliest conglomerates in North America. The Foundation has

been an important benefactor to numerous institutions devoted to education, medicine, and the arts.

I commend the Mailman Foundation for its remarkable act of philanthropy and for recognizing Columbia's leadership in the field of public health. This gift to Columbia University's internationally known graduate school, now known as the Joseph L. Mailman School of Public Health, will advance the cause of health promotion and disease prevention, through education, research, and direct service.•

TRIBUTE TO MAYOR ROBERT L. ALBRITTEN OF DAWSON, GEORGIA THE 1998 AMERICAN HOMETOWN LEADERSHIP WINNER

• Mr. CLELAND. Mr. President, I rise today to honor Mayor Robert L. Albritten of Dawson, Georgia on receiving the 1998 American Hometown Leadership Award, which is the only national award that recognizes leaders from small communities whose community service exhibits the highest standards of dedication, ability, creativity and leadership.

Mayor Albritten was nominated by Dawson's Better Hometown Task Force and chosen from a field of 400 national leaders for his pacesetting efforts to save jobs at Almark Mills, a local textile plant employing 250 people that shut its doors last Fall leaving Dawson on the brink of a major unemployment problem.

Faced with a potential devastating blow to the town of 5,000 people and following days of feverish brainstorming, late-night phone calls and hours-long meetings with community leaders, rural development experts and a local accountant, Mayor Albritten and other community leaders emerged with an audacious plan— the plant would become a cooperative, in which each worker would be an owner, and all would have a say and a financial stake in the running of the plant.

However, Mayor Albritten was not satisfied with just creating jobs, he also set out to better the lives of all of those living in Dawson. He changed the city seal to read "The City of Dawson, Committed to a Better Quality of Life for All."

Mayor Robert Albritten has been an innovator and leader, and his determination is truly commendable. He has devoted countless hours of his time and energy to improve the town of Dawson and to better the lives of all of its citizens, never hesitating to help in any way he could. He has not only led the people of Dawson, but he has inspired them. His efforts have also been recognized by having the Robert L. Albritten Neighborhood Community Center named in his honor.

In addition to his endless work on behalf of the citizens of Dawson, Mayor Albritten continues his work as a funeral service practitioner. He and his wife Arna have three daughters, Andrea, Alisha and Ariana.

Mr. President, I ask that you join me and our colleagues in recognizing and honoring Mayor Robert L. Albritten for his remarkable achievements and accomplishments as a citizen and as a leader which have culminated with his selection as the 1998 American Hometown Leadership recipient. Mayor Albritten is truly a remarkable man and a first-rate American richly deserving of such an honor.•

IN SUPPORT OF ANTI-CRIME LEGISLATION

• Mrs. MURRAY. Mr. President, I rise to address a bill introduced earlier this week called the Safe Schools, Safe Streets, and Secure Borders Act of 1998. This bill takes the best ideas and puts them to work providing Americans with the tools they need to make their families safer, their communities healthier, and their schools freer from violence.

I know all of us would like a simple solution to the crime problems facing this great nation. But all of us know, in our hearts, that there is no easy solution. We must come together, join with our neighbors, our police, our leaders, and our children to tackle the terrifying problems facing us.

We must be tough on criminals. We need to continue to send the message that if you do the crime, you will be doing time—hard time. No one can accuse the U.S. justice system of coddling criminals. We have among the highest percentage of our population in prison, more than almost any other country in the world.

In the Violent Crime Control Act of 1994, which I supported, we strengthened penalties for violent, and drug-related crime. We also provided grants to states to build jails and prisons if they required serious violent offenders to serve at least 75 percent of their sentences. We've hired more than 75,000 new police officers to implement to time-tested program of community policing. Our crime bill has worked.

Now we need more of the same. We need to extend the Violent Crime Reduction Trust fund to pay for these important community-policing and grants to state and local government.

We need to extend the Violence Against Women Act. Preventing domestic violence and providing a safe haven for victims of domestic violence has been a top priority for me. I intend to introduce legislation to ensure victims of domestic violence are not further victimized through insurance, job or social security discrimination. Should this bill be considered by the Senate, I would seek to amend it by adding provisions of my Battered Women Economic Security Act to it.

Another top priority for me in this bill is reducing crime in our schools. As a parent and former educator, I share America's horror that our children are not safe in their schools. We simply must invest time and resources into solving this fundamental problem. This bill will provide an additional $10 million for the Safe and Drug Free School program and establish partnerships between schools and local law enforcement. Through my Senate Advisory Youth Involvement team, I am learning from students how they believe we can best solve school violence problems. I will be sharing those ideas with my colleagues when we debate this bill.

In my meetings with law enforcement officers around my state, I learned we have some critical problems in our juvenile justice system. While I believe juvenile justice is fundamentally an issue for our state legislatures to address, there is a federal role in several areas. First, we often should treat those 16 and 17-year-olds who commit violent federal offenses as adults. This bill gives prosecutors important discretion to prosecute these offenders as adults.

In addition to getting tough on our most hardened young criminals, we must replicate successful juvenile crime reduction strategies. There are many efforts in my state of Washington that bring out the best in kids and communities and they are truly making a dent in the juvenile crime problem. Best SELF in Skagit county; Teamchild in King county; community justice in Spokane county and on the Colville Indian Reservation; Safestreets in Seattle; and TOGETHER! in Thurston county are several examples of communities joining together to make a difference with their youth. It's amazing how far just a few thousand dollars can go in these community-based programs; they need our continued support.

Mr. President, this bill also targets gangs, illegal drugs, and domestic and international terrorism. It extends a recently-passed bill I strongly supported, the Bulletproof Vest Partnership Grant Act, and provides other safeguards for our law enforcement officers. It reauthorizes the Drug Czar's office, which coordinates the High Intensity Drug Trafficking Area program that is helping establish a coordinated campaign against drug importation and use while also focusing resources of prevention and treatment of abuse.

No bill is perfect and I cannot say I agree with every provision included in this 1220-page bill. However, the Safe Schools, Safe Streets, and Secure Borders Act of 1998 continues to move this country in the right direction. Violent crime must continue to drop. With all of us joining together to fight crime and embrace healthy communities and schools, America can again become a safe place to raise and educate all of our children.

I thank Senator LEAHY for his fine leadership on this bill and encourage

all Senators to work to pass comprehensive, bi-partisan legislation to prevent crime and strengthen families and communities.●

CONSUMER BANKRUPTCY REFORM ACT OF 1998—AMENDMENT NO. 3600

Amendment No. 3600, sent to the desk by Mr. HATCH on September 17, is printed in yesterday's RECORD under "Amendments Submitted."

SATELLITE COMPULSORY LICENSE REFORM PROCESS AND S. 1720 CHAIRMAN'S MARK

The Chairman's mark substitute for S. 1720, not available for printing on September 17, 1998, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Compulsory License Improvement Act".

SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) REPORTING REQUIREMENTS.—

"(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to that station a list identifying (by name and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

"(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the station a list identifying (by name and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) REQUIREMENTS OF STATIONS.—The submission requirements of this subsection shall apply to a satellite carrier only if the station to whom the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier of a television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b).

"(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) DEFINITIONS.—In this section—

"(1) The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) The term 'local market' for a television broadcast station has the meaning given that term in section 337(h)(2) of the Communications Act of 1934.

"(3) The terms 'satellite carrier' and 'secondary transmission' have the meaning given such terms under section 119(d).".

"(4) The term 'subscriber' means an entity that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(5) The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

"122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.".

SEC. 3. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103-369; 108 Stat. 3481) is amended by striking "December 31, 1999" and inserting "December 31, 2003".

SEC. 4. TRANSITION.

Section 119(a)(5) of title 17, United States Code, is amended by adding at the end the following:

"(E) TRANSITION.—Notwithstanding subparagraphs (A) and (B), a satellite carrier shall not be required to terminate service of a network station to a subscriber until February 28, 1999.".

SEC. 5. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) The rate of the royalty fee payable in each case under subsection (b)(1)(B)(i) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 30 percent.

"(B) The rate of the royalty fee payable under subsection (b)(1)(B)(ii) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 45 percent.".

SEC. 6. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended—

(1) by striking paragraph (10) and inserting the following:

"(10) UNSERVED HOUSEHOLD.—The term 'unserved household', with respect to a particular television network, means a household that cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network."; and

(2) by adding at the end the following:

"(12) LOCAL NETWORK STATION.—The term 'local network station' means a network station that is secondarily transmitted to subscribers who reside within the local market in which the network station is located.".

SEC. 7. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—"; and

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation".

(b) DEFINITION.—Section 119(d) of title 17, United States Code, is amended by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.".

SEC. 8. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,"; and

(2) in paragraph (2), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,".

SEC. 9. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1999, except section 4 shall take effect on the date of enactment of this Act.

TRADEMARK LAW TREATY IMPLEMENTATION ACT—AMENDMENT NO. 3601

Amendment No. 3601, sent to the desk by Mr. HATCH on September 17, is printed in yesterday's RECORD under "Amendments Submitted."

S. 2491—THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

S. 2491, introduced by Mr. HATCH, for himself, Mr. LEAHY, and Mr. DEWINE on September 17, is as follows:

S. 2491

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protection of Children From Sexual Predators Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.
Sec. 102. Coercion and enticement.
Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.
Sec. 104. Repeat offenders in transportation offense.
Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
Sec. 106. Transportation generally.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.
Sec. 202. Increased penalties for child pornography offenses.

TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.
Sec. 302. Increased penalties for abusive sexual contact.
Sec. 303. Repeat offenders in sexual abuse cases.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.
Sec. 502. Sentencing enhancement for chapter 117 offenses.
Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.
Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.
Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.
Sec. 506. Clarification of definition of distribution of pornography.
Sec. 507. Directive to the United States Sentencing Commission.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.
Sec. 602. Criminal forfeiture for offenses against minors.
Sec. 603. Civil forfeiture for offenses against minors.
Sec. 604. Reporting of child pornography by electronic communication service providers.
Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.
Sec. 606. Administrative subpoenas.
Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.
Sec. 702. Kidnapping.
Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.
Sec. 802. Recommended prohibition.
Sec. 803. Survey.

TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.
Sec. 902. Study of hotlines.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2425. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Use of interstate facilities to transmit information about a minor.".

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to do so," before "shall be fined"; and

(B) by striking "five" and inserting "10"; and

(2) by striking subsection (b) and inserting the following:

"(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both."; and

(2) in subsection (b), by striking "10 years" and inserting "15 years".

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2426. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

"(b) DEFINITIONS.—In this section—

"(1) the term 'prior sex offense conviction' means a conviction for an offense—

"(A) under this chapter, chapter 109A, or chapter 110; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

"(2) STATE.—the term 'State' means a State of the United States, the District of Columbia, any commonwealth, possession, or territory of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2426. Repeat offenders.".

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

"In this chapter, the term 'sexual activity for which any person can be charged with a criminal offense' includes the production of child pornography, as defined in section 2256(8).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.".

SEC. 106. TRANSPORTATION GENERALLY.

Section 2421 of title 18, United States Code, is amended—

(1) by inserting "or attempts to do so," before "shall be fined"; and

(2) by striking "five years" and inserting "10 years".

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting "if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting ", if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(c) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking "or chapter 109A" each place it appears and inserting ", chapter 109A, or chapter 117".

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

(b) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

TITLE III—SEXUAL ABUSE PREVENTION

SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(b) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".

(c) STATE DEFINED.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.".

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.".

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

"§ 2247. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term 'prior sex offense conviction' has the meaning given that term in section 2426(b).".

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1470. Transfer of obscene material to minors

"Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"1470. Transfer of obscene material to minors.".

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

"(A) the victim of the offense has not attained the age of 14 years;

"(B) the victim dies as a result of the offense; and

"(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

"(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.".

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade,

induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term "distribution of pornography" applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) any felony under chapter 109A, 110, or 117; and".

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2253 of title 18, United States Code, is amended by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,".

SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,"; and

(2) in paragraph (3), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,".

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

"SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'electronic communication service' has the meaning given the term in section 2510 of title 18, United States Code; and

"(2) the term 'remote computing service' has the meaning given the term in section 2711 of title 18, United States Code.

"(b) REQUIREMENTS.—

"(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances that provide probable cause to believe that a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), has occurred shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

"(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

"(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

"(A) in the case of an initial failure to make a report, not more than $50,000; and

"(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

"(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

"(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

"(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

"(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

"(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

"(A) to an attorney for the government for use in the performance of the official duties of the attorney;

"(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

"(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

"(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

"(2) DEFINITIONS.—In this subsection, the terms 'attorney for the government' and 'State' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.".

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

"(6) to a law enforcement agency—

"(A) if the contents—

"(i) were inadvertently obtained by the service provider; and

"(ii) appear to pertain to the commission of a crime; or

"(B) if required by section 227 of the Crime Control Act of 1990.".

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423".

SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

"§ 3486. Administrative subpoenas in Federal health care investigations"; and

(2) by adding at the end the following:

"§ 3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

"(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

"(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.

"(2) ATTENDANCE OF WITNESSES.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) PROCEDURES APPLICABLE.—The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

"3486. Administrative subpoenas in Federal health care investigations.

"3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.".

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

"(i) GRANTS TO STATES FOR COSTS OF COMPLIANCE.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the 'Director') shall carry out a program, which shall be known as the 'Sex Offender Management Assistance Program' (in this subsection referred to as the 'SOMA program'), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

"(B) USES OF FUNDS.—Each grant awarded under this subsection shall be—

"(i) distributed directly to the State for distribution to State and local entities; and

"(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

"(2) ELIGIBILITY.—

"(A) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

"(i) the State complies with (or made a good faith effort to comply with) this section; and

"(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

"(B) REGULATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

"(ii) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.".

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540B. Investigation of serial killings

"(a) IN GENERAL.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

"(b) DEFINITIONS.—In this section:

"(1) KILLING.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

"(2) SERIAL KILLINGS.—The term 'serial killings' means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

"(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

"540B. Investigation of serial killings.".

SEC. 702. KIDNAPPING.

(a) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting ", regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began" before the semicolon.

(b) TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking "designated" and inserting "described".

(c) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.".

SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the "Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center" (in this section referred to as the "CASMIRC").

(b) PURPOSE.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the "NCAVC"), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) CONFORMING AMENDMENT.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives

and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) CONTENTS OF STUDY.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

S. 2492—THE LONG-TERM CARE AND RETIREMENT SECURITY ACT OF 1998

S. 2492, introduced by Mr. GRASSLEY on September 17, is as follows:

S. 2492

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 "Long-Term Care and Retirement Security Act of 1998".

SEC. 2. DEDUCTION FOR LONG-TERM CARE HEALTH INSURANCE COSTS FOR INDIVIDUALS NOT ELIGIBLE TO PARTICIPATE IN EMPLOYER-SUBSIDIZED LONG-TERM CARE HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

"SEC. 222. QUALIFIED LONG-TERM CARE INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the amount of the eligible long-term care premiums (as defined in section 213(d)(10)) paid during the taxable year for coverage of the taxpayer and the spouse and dependents of the taxpayer.

"(b) LIMITATION BASED ON OTHER COVERAGE.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any subsidized long-term care plan maintained by any employer of the taxpayer or of the spouse of the taxpayer. For purposes of the preceding sentence, the term 'subsidized long-term care plan' means a subsidized health plan which includes primarily coverage for qualified long-term care services (as defined in section 7702B(c)) or is a qualified long-term care insurance contract (as defined in section 7702B(b)).

"(c) SPECIAL RULES.—

"(1) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).

"(2) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX PURPOSES.—The deduction allowable by reason of this section shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 162(l)(2) of such Code is amended to read as follows:

"(C) LONG-TERM CARE PREMIUMS.—No deduction shall be allowed under this subsection for premiums on any qualified long-term care insurance contract (as defined in section 7702B(b))."

(2) Subsection (a) of section 62 of such Code is amended by inserting after paragraph (17) the following new paragraph:

"(18) LONG-TERM CARE INSURANCE COSTS OF CERTAIN INDIVIDUALS.—The deduction allowed by section 222."

(3) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 222. Qualified long-term care insurance costs.

"Sec. 223. Cross reference."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

S. 2493—THE ANIMAL AGRICULTURE ENVIRONMENTAL INCENTIVES ACT OF 1998

S. 2493, introduced by Mr. HARKIN on September 17, is as follows:

S. 2493

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 "Animal Agriculture Environmental Incentives Act of 1998".

SEC. 2. ALLOWANCE OF CREDIT FOR NUTRIENT MANAGEMENT COSTS OF ANIMAL FEEDING OPERATIONS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. ANIMAL FEEDING OPERATION EQUIPMENT CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the animal feeding operation equipment credit determined under this section for the taxable year is an amount equal to 25 percent of the eligible nutrient management costs of a taxpayer for the taxable year.

"(b) ELIGIBLE NUTRIENT MANAGEMENT COSTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible nutrient management costs' means amounts paid or incurred by a taxpayer to purchase a calibrated manure spreader or eligible processing equipment for use at an animal feeding operation owned by the taxpayer.

"(2) CALIBRATED MANURE SPREADER.—The term 'calibrated manure spreader' means equipment (including any associated geostationary positioning satellite equipment) which is used by the taxpayer exclusively for the precision application of manure to land in accordance with a comprehensive nutrient management plan.

"(3) ELIGIBLE PROCESSING EQUIPMENT.—

"(A) IN GENERAL.—The term 'eligible processing equipment' means equipment or structures used by the taxpayer exclusively for processing manure.

"(B) EXCLUSION.—The term 'eligible processing equipment' does not include equipment used exclusively for the simple containment or transportation of manure.

"(c) OTHER DEFINITIONS.—For purposes of this section—

"(1) ANIMAL FEEDING OPERATION.—The term 'animal feeding operation' means a facility for the milking of dairy cows or the raising of livestock or poultry (including egg production) for commercial sale.

"(2) APPLICATION.—The term 'application' means laying, spreading on, irrigating, injecting, or otherwise placing manure on land by any means.

"(3) COMPREHENSIVE NUTRIENT MANAGEMENT PLAN.—The term 'comprehensive nutrient management plan' means a written plan prepared in accordance with applicable Federal and State laws and regulations.

"(4) MANURE.—The term 'manure' means—

"(A) the excreta of an animal or other organic byproduct of an animal feeding operation, including litter, bedding, dead animals, composted animal carcasses, milk house waste, or other residual organic matter, and

"(B) water or any other material mixed with such excreta or byproduct for purposes of collection, handling, containment, or processing of such excreta or byproduct.

"(5) PRECISION APPLICATION.—The term 'precision application' means the controlled application of manure to land in a manner which distributes a specified amount of manure, as determined by the nitrogen or phosphorous content of the manure, across a specified area of land.

"(6) PROCESSING.—The term 'processing' means any mechanical, physical, or chemical treatment which—

"(A) alters the concentration of nitrogen, phosphorous, water, or other constituents in manure to facilitate—

"(i) manure application on land covered by the requirements of a comprehensive nutrient management plan, or

"(ii) use of manure or processed manure for commercial purposes other than land application on land owned or controlled by the taxpayer,

"(B) enhances the value of manure as a plant fertilizer or soil amendment, or

"(C) utilizes manure as an energy source.

"(d) SPECIAL RULES.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is determined under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so determined.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—For purposes of this section, under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—For purposes of this section, in the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking "plus" at the end of paragraph (11),

(B) by striking the period at the end of paragraph (12), and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(13) the animal feeding operation equipment credit determined under section 45D."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Animal feeding operation equipment credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

ORDER FOR RECORD TO REMAIN OPEN

Mr. SESSIONS. Mr. President, I now ask unanimous consent that the RECORD remain open today until 2 p.m. for the purpose of introducing bills and statements.

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

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. SESSIONS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorze and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2206) entitled "An Act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE HEAD START ACT

Sec. 101. Short title.
Sec. 102. Statement of purpose.
Sec. 103. Definitions.
Sec. 104. Financial assistance for Head Start programs.
Sec. 105. Authorization of appropriations.
Sec. 106. Allotment of funds.
Sec. 107. Designation of Head Start agencies.
Sec. 108. Quality standards.
Sec. 109. Powers and functions of Head Start agencies.
Sec. 110. Head Start transition.
Sec. 111. Submission of plans to governors.
Sec. 112. Participation in Head Start programs.
Sec. 113. Early Head Start programs for families with infants and toddlers.
Sec. 114. Technical assistance and training.
Sec. 115. Professional requirements.
Sec. 116. Family literacy services.
Sec. 117. Research and evaluation.
Sec. 118. Reports.
Sec. 119. Repeal of consultation requirement.
Sec. 120. Repeal of Head Start Transition Project Act.
Sec. 121. Effective date; application of amendments.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

Sec. 201. Short title.
Sec. 202. Reauthorization.
Sec. 203. Related amendments.
Sec. 204. Assets for independence.
Sec. 205. Effective date; application of amendments.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

Sec. 301. Short title.
Sec. 302. Authorization.
Sec. 303. Definitions.
Sec. 304. Natural disasters and other emergencies.
Sec. 305. State allotments.
Sec. 306. Administration.
Sec. 307. Payments to States.
Sec. 308. Residential energy assistance challenge option.

TITLE I—AMENDMENTS TO THE HEAD START ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Head Start Amendments Act of 1998".

SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) in paragraph (2)—

(i) by striking ", and the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, also means" after "Virgin Islands"; and

(iii) by inserting "and" after "Marshall Islands";

(3) by inserting after paragraph (2) the following:

"(3) The term 'child with a disability' means—

"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.";

(4) by striking paragraph (5) (as redesignated in paragraph (1)) and inserting the following:

"(5) The term 'family literacy services' means services that—

"(A) are provided to participants who receive the services on a voluntary basis;

"(B) are of sufficient intensity, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing dependence on income-based public assistance); and

"(C) integrate each of—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents on being partners with their children in learning;

"(iii) parent literacy training, including training that contributes to economic self-sufficiency; and

"(iv) appropriate instruction for children of parents receiving the parent literacy training.";

(5) in paragraph (7) (as redesignated in paragraph (1)), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law for the provision of services to such a child.";

(6) by striking paragraph (13) (as redesignated in paragraph (1)) and inserting the following:

"(13) The term 'migrant or seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from 1 geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period."; and

(7) by adding at the end the following:

"(16) The term 'reliable and replicable', used with respect to research, means an objective, valid, scientific study that—

"(A) includes a rigorously defined sample of subjects, that is sufficiently large and representative to support the general conclusions of the study;

"(B) relies on measurements that meet established standards of reliability and validity;

"(C) is subjected to peer review before the results of the study are published; and

"(D) discovers effective strategies for enhancing the development and skills of children.".

SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness;".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by inserting "$4,660,000,000 for fiscal year 1999 and" after "subchapter"; and

(B) by striking "1995 through 1998" and inserting "2000 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of the fiscal years 1999 through 2003, not more than $35,000,000 and not less than the aggregate amount made available to carry out section 642(d) of this Act and the Head Start Transition Project Act (42 U.S.C. 9855–9855g) for fiscal year 1998, to carry out activities authorized under section 642A;

"(2) not more than $5,000,000 for each of the fiscal years 1999 through 2003 to carry out impact studies under section 649(g);

"(3) not more than $12,000,000 for fiscal year 1999, and such sums as may be necessary for

each of the fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649; and

"(4) not less than $5,000,000 for each of the fiscal years 1999 through 2003, to carry out activities authorized under section 648B.".

SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the 1st place it appears and all that follows through "handicapped children", and inserting "Head Start programs and services for children with disabilities and migrant or seasonal Head Start programs"; and

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant or seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B) by striking "(B) payments" and all that follows through "Virgin Islands" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States; and

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;";

(C) in subparagraph (C), by striking "and" at the end;

(D) in subparagraph (D), by striking "related to the development and implementation of quality improvement plans under section 641A(d)(2))." and inserting "carried out under paragraph (1), (2), or (3) of section 641A(d) relating to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies); and";

(E) by inserting after subparagraph (D) the following:

"(E) payments for research and evaluation activities under section 649."; and

(F) by adding at the end the following: "In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children, and shall ensure that appropriate funding is provided to meet such needs.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i) by striking "equal" and all that follows through "activities" and inserting "subject to subsection (m)";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking "adequate qualified staff" and inserting "adequate numbers of qualified staff"; and

(II) by inserting "and children with disabilities" before ", when";

(ii) in clause (iv) by inserting "and to encourage the staff to continually improve their skills and expertise by informing staff of the availability of State and Federal loan forgiveness programs for professional development" before the period at the end;

(iii) in clause (v) by inserting "and collaboration efforts for such programs" before the period at the end; and

(iv) by amending clause (vi) to read as follows:

"(vi) Ensuring that such programs have adequate numbers of qualified staff that can promote language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through research that is reliable and replicable, as predictive of later reading achievement."; and

(C) in subparagraph (C)—

(i) in clause (i)(I)—

(I) by striking "of staff" and inserting "of classroom teachers and other staff"; and

(II) by striking "such staff" and inserting "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) Preferences in awarding salary increases, in excess of cost of living allowances, shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.";

(iv) by amending clause (ii) to read as follows:

"(ii) Of the amount remaining after carrying out clause (i), the highest priority shall be placed on training classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and literacy growth, through techniques identified through reliable, replicable research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.";

(v) by striking clause (v);

(vi) by redesignating clause (vi) as clause (v); and

(vii) by inserting after clause (v), as so redesignated, the following:

"(vi) To carry out any or all of such activities, but none of such funds may be used for construction or renovation (including nonstructural or minor structural changes).";

(D) in subparagraph (D)(i)(II) by striking "and migrant" and inserting "Head Start programs and by migrant or seasonal";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "1981" and inserting "1998";

(B) by amending subparagraph (B) to read as follows:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age who live with families whose income is below the poverty line."; and

(C) by adding at the end the following:

"For each fiscal year the Secretary shall use the most recent data available on the number of children under the age of 5, from families below the poverty level that is consistent with that published for counties, by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated poverty data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall issue a report setting forth their reasons in detail.";

(4) in paragraph (5)—

(A) in subparagraph (B), by inserting before the period the following "and encourage Head Start agencies to actively collaborate with entities involved in State and local planning processes in order to better meet the needs of low-income children and families";

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "the appropriate regional office of the Administration for Children and Families and" before "agencies";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv)—

(I) by striking "education, and national service activities," and inserting "and education and community service activities,";

(II) by striking "and activities" and inserting "activities"; and

(III) by striking the period and inserting "(including coordination with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children;"; and

(iv) by adding at the end the following:

"(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full-calendar-year early care and education services for children;

"(vi) encourage local Head Start agencies to appoint a State level representative to speak on behalf of Head Start agencies within the State on collaborative efforts described in subparagraphs (B) and (D), and in clause (v); and

"(vii) encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.";

(C) by redesignating subparagraph (D) as subparagraph (F); and

(D) by inserting after subparagraph (C) the following:

"(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

"(i) to States that develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

"(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

"(E)(i) The Secretary shall—

"(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal child care and early childhood education programs and resources;

"(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

"(III) develop a mechanism to resolve administrative and programmatic conflicts between such programs that would be a barrier to service providers, parents, or children, related to the provision of unified services in the consolidation of funding for child care services.

"(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with

funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.";

(5) by amending paragraph (6) to read as follows:

"(6)(A) From the amounts reserved and allotted pursuant to paragraphs (2) and (4), and except as provided in subparagraph (C)(i), the Secretary shall use for grants for programs described in section 645A(a) a portion of the combined total of such amount equal to—

"(i) 7.5 percent for fiscal year 1999;

"(ii) 8 percent for fiscal year 2000;

"(iii) 8.5 percent for fiscal year 2001;

"(iv) not less than 8.5 and not more than 10 percent for fiscal year 2002; and

"(v) not less than 8.5 and not more than 10 percent for fiscal year 2003;

of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(B) If the Secretary does not submit to—

"(i) the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives; and

"(ii) to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate;

by January 1, 2001, a report on the results of the Early Head Start impact study currently being conducted by the Secretary, then the amount required to be used in accordance with subparagraph (A) for fiscal years 2002 and 2003 shall be 8.5 percent of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to use the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or negatively impacting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be used as the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so used for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) requires a reduction in the amount made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to the entities for programs carried out under section 645A; and

"(II) the amounts made available to Head Start agencies for Head Start programs."; and

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

"(7)(A) For purposes of paragraph (2)(A), in determining the need and demand for migrant or seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant or seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant or seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation provided for unserved eligible children of seasonal farmworkers. In serving the children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant or seasonal Head Start programs do not duplicate or overlap with other Head Start services available in the same geographical area.

"(B)(i) Funds available under this subsection for payments to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out Head Start programs in accordance with this subchapter.

"(ii) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under clause (i).

"(iii) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.".

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking "1982" and inserting "1999";

(2) by striking "(as defined in section 602(a) of the Individuals with Disabilities Education Act)"; and

(3) by adding at the end the following:

"Such policies and procedures shall require Head Start programs to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419).".

(c) INCREASED APPROPRIATIONS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (1), by inserting at the end the following: "In awarding funds to serve an increased number of children, the Secretary shall give priority to those applicants that provide full-working-day, full-calendar year Head Start services through collaboration with entities carrying out programs that are in existence on the date of the allocation and with other private, nonprofit agencies. Any such additional funds remaining may be used to make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability of Head Start programs and to serve an increased number of children.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting ", and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);";

(B) in subparagraph (C), by striking the semicolon and inserting ", and organizations and public entities serving children with disabilities;";

(C) in subparagraph (D), by striking the semicolon and inserting "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full-calendar-year services;";

(D) in subparagraph (E), by striking "program; and" and inserting "or any other early childhood program;";

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

"(H) the extent to which the applicant, in providing services, will plan to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding the education services provided by such local educational agency.";

(3) in paragraph (3) by striking "In" and inserting "Subject to subsection (m), in"; and

(4) by adding at the end the following:

"(4) Notwithstanding subsection (a)(2), after taking into account subsection (a)(1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection.".

(d) REFERENCES.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended by inserting "or seasonal" after "migrant" each place it appears.

(e) RELATIVE AVAILABILITY OF FUNDS FOR QUALITY AND FOR EXPANSION.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m)(1) After complying with the requirement in subsection (g)(1) relating to maintaining the level of services provided during the previous year, the Secretary shall make the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation (as defined in subsection (a)(3)(ii)), available as follows:

"For Fiscal Year:	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Quality Activities Under Subsection (a)(3)(C):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Expansion Activities Under Subsection (g):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available to Qualifying Head Start Programs for Quality and Expansion Activities Under Subsections (a)(3)(C) and (g)
1999	65	25	10
2000	65	25	10
2001	45	45	10
2002	45	45	10
2003	25	65	10.

"(2) For purposes of paragraph (1), the term 'qualifying Head Start program' means a Head Start agency or Head Start program that is—

"(A) in compliance with the quality standards and result-based performance measures applicable under subsections (a) and (b) of section 641A;

"(B) not required under subsection (d) of such section to take a corrective action; and

"(C) making progress toward complying with requirements applicable under section 648A(a)(2).

"(3) Funds required to be made available under this subsection to qualifying Head Start programs shall be made available on the same basis as allotments are determined under subsection (a)(4).".

(f) CONFORMING AMENDMENT.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking "640(a)(3)(C)(v)" and inserting "640(g)".

SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a) by inserting "(in consultation with the chief executive officer of the

State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b) by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(ii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following:

"determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures described in section 641A(b), and other requirements established by the Secretary.";

(B) in paragraph (2), by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the left margin of paragraphs (2) and (3) with the left margin of paragraph (1); and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the 1st sentence the following:

"In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3) by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii) by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause (iv);

(iii) in subparagraph (E) by striking "and (D)" and inserting "and (E)";

(iv) by redesignating subparagraphs (D) and (E) and subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;";

(D) by amending paragraph (7) to read as follows:

"(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;";

(E) in paragraph (8)—

(i) by striking the period at the end and inserting "; and"; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

"(8) the plan of such applicant to meet the needs of children with disabilities;"; and

(G) by adding at the end the following:

"(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community."; and

(5) by amending subsection (e) to read as follows:

"(e) If no agency in the community receives priority designation and if there is no qualified applicant in the community, then the Secretary shall designate an agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.".

SEC. 108. QUALITY STANDARDS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", including minimum levels of overall accomplishment," after "regulation standards";

(B) in subparagraph (A), by striking "education,";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

"(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

"(ii) additional school readiness performance standards (based on cognitive learning abilities) to ensure that the children participating in the program, at a minimum—

"(I) develop phonemic, print, and numeracy awareness;

"(II) understand and use oral language to communicate for different purposes;

"(III) understand and use increasingly complex and varied vocabulary;

"(IV) develop and demonstrate an appreciation of books; and

"(V) in the case of non-English background children, progress toward acquisition of the English language.";

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) in subparagraph (B)(iii) by striking "child" and inserting "early childhood education and"; and

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "not later than 1 year after the date of enactment of this section,"; and

(II) by striking "section 651(b)" and all that follows through "section" and inserting "this subsection"; and

(ii) in subclause (ii), by striking "November 2, 1978" and inserting "the date of enactment of the Head Start Amendments Act of 1998"; and

(4) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting "RESULTS-BASED" before "PERFORMANCE";

(2) in paragraph (1)—

(A) by striking "Not later than 1 year after the date of enactment of this section, the" and inserting "The";

(B) by striking "child" and inserting "early childhood education and"; and

(C) by striking the period at the end and inserting ", and the impact of the services provided through the programs to children and their families.";

(3) in paragraph (2)—

(A) in the heading, by striking "DESIGN" and inserting "CHARACTERISTICS";

(B) in the matter preceding subparagraph (A), by striking "be designed" and inserting "include the education and school-based readiness performance standards described in subsection (a)(1)(B) and shall";

(C) in subparagraph (A), by striking "to assess" and inserting "assess the impact of";

(D) in subparagraph (B)—

(i) by striking "to";

(ii) by striking "and peer review" and inserting ", peer review, and program evaluation"; and

(iii) by inserting "not later than January 1, 1999" before the semicolon at the end; and

(E) in subparagraph (C), by inserting "be developed" before "for other";

(4) in paragraph (3)(A) by striking "and by region" and inserting ", regionally, and locally"; and

(5) by adding at the end the following:

"(4) REQUIRED RESULTS-BASED PERFORMANCE MEASURES.—Such results-based performance measures shall ensure that such children—

"(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

"(B) recognize a word as a unit of print;

"(C) identify at least 10 letters of the alphabet; and

"(D) associate sounds with written words.

"(5) OTHER RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish their own results-based school readiness performance measures.".

(c) MONITORING.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1) by inserting "and results-based performance measures" after "standards"; and

(2) in paragraph (2)

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by inserting "(including children with disabilities)" after "eligible children"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

"(E) seek information from the community and the State about the performance of the program and its efforts to collaborate with other entities carrying out early childhood education and child care programs in the community.".

(d) TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or results-based performance measures described in subsection (b)" after "subsection (a)"; and

(B) by amending subparagraph (B) to read as follows:

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and"; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "immediately" and inserting "immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)".

(e) REPORT.—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: "Such report shall be widely disseminated and available for public review in both written and electronic formats.".

SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8) by striking "and" at the end;

(C) in paragraph (9) by striking the period at the end and inserting "; and";

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

"(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;"; and

(F) by adding at the end the following:

"(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services for purposes of establishing paternity and acquiring child support;

"(B) refer eligible parents to the child support offices of State and local governments; and

"(C) establish referral arrangements with such offices.";

(2) in subsection (c)—

(A) by inserting "and collaborate" after "coordinate";

(B) by inserting "and part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)"; and

(C) by striking "section 402(g) of the Social Security Act, and other" and inserting "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "carry out" and all that follows through "maintain" and inserting "take steps to ensure, to the maximum extent possible, that children maintain";

(ii) by inserting "and educational" after "developmental"; and

(iii) by striking "to build" and inserting "build";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

"SEC. 642A. HEAD START TRANSITION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

"(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

"(7) linking the services provided in such program with the education services provided by such local education agency.".

SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking "30 days" and inserting "45 days";

(2) by striking "so disapproved" and inserting "disapproved (for reasons other than failure to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)"; and

(3) by inserting before the period ", as evidenced by a written statement of the Secretary's findings transmitted to such officer".

SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the last sentence of paragraph (1)—

(A) by striking "provide (A) that" and inserting the following:

"provide—

"(A) that"; and

(B) by amending subparagraph (B) to read as follows:

"(B) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may—

"(i) include a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year. In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application;

"(ii) permit not more than 25 percent of the children enrolled in a Head Start program to be children (without counting children with disabilities) whose family income does not exceed 140 percent of the poverty line if the Head Start agency carrying out such program—

"(I) has a community needs assessment that demonstrates a need to provide Head Start services to more of such children who are members of families with incomes that exceed the poverty line but do not exceed 140 percent of the poverty line; and

"(II) ensures that, as a result of enrolling a greater percentage of children described in this clause, there will not be a reduction in, or denial of, Head Start services to children who are eligible under subparagraph (A);

"(iii) subject to the approval of the Secretary, permit such Head Start agency that demonstrates to the Secretary that it has made reasonable efforts to enroll children eligible under subparagraph (A) in the Head Start program carried out by such agency, to charge participation fees for children described in clause (ii), consistent with the sliding fee schedule established by the State under section 658E(c)(5) of the of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the partnership. The copayment shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.".

SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

(a) PROGRAM.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

*(1) in the section heading, by inserting "**early head start**" before "**programs for**";*

(2) in subsection (a)—

(A) in paragraph (1) by striking "; and" and inserting a period;

(B) by striking paragraph (2); and

(C) by striking "for—" and all that follows through "(1)", and inserting "for";

(3) in subsection (b)—

(A) in paragraph (5), by inserting "(including programs for infants and toddlers with disabilities)" after "community";

(B) in paragraph (7) by striking "and" at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) ensure formal linkages with the agencies described in section 644(b) of the Individuals With Disabilities Education Act Amendments of 1997 and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and";

(4) in subsection (c)—

(A) by striking "(a)(1)" and inserting "(a)"; and

(B) in paragraph (2), by striking "(or under" and all that follows through "(e)(3))";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraph (2); and

(C) in paragraph (3) by redesignating such paragraph as paragraph (2);

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking "OTHER"; and

(B) by striking "From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e)," and inserting "From the portion specified in section 640(a)(6),";

(9) by striking subsection (h); and

(10) by adding at the end the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.".

(b) CONFORMING AMENDMENT.—Section 640(a)(5)(F) of the Head Start Act (42 U.S.C. 9835(a)(5)(F)), as so redesignated by section 106, is amended by striking "section 645(a)(1)(A)" and inserting "section 645(a)".

SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full-calendar-year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration."; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the education and school readiness performance standards described in this subchapter;";

(B) in paragraph (2) by inserting "supplement amounts provided under section 640(a)(3)(C)(ii)," after "(2)";

(C) in paragraph (4)—

(i) by inserting "and implementing" after "developing"; and

(ii) by striking "a longer day" and inserting the following: "the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full-calendar-year services for children";

(D) in paragraph (7), by striking "and" at the end;

(E) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(F) by inserting after paragraph (2) the following:

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) assist classroom and non-classroom staff, including individuals in management and leadership capacities, to understand the components of effective family literacy services, gain knowledge about proper implementation of such services within a Head Start program, and receive assistance to achieve successful collaboration agreements with other service providers that allow the effective integration of family literacy services with the Head Start program;".

SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of oral language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books and their problem solving abilities;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start classrooms in a center-based program are assigned 1 teacher who has an associate, baccalaureate, or an advanced degree in early childhood education or development and shall require Head Start agencies to demonstrate continuing progress each year to reach that result. In the remaining balance of such classrooms, there shall be assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

"(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(3) ASSESSMENT.—Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in paragraph (1)(A)."; and

(2) in subsection (b)(2)(B)—

(A) by striking "staff," and inserting "staff or"; and

(B) by striking ", or that" and all that follows through "families".

SEC. 116. FAMILY LITERACY SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

"SEC. 648B. FAMILY LITERACY SERVICES.

"From funds reserved under section 639(b)(4), the Secretary—

"(1) shall provide grants through a competitive process, based upon the quality of the family literacy service proposal and taking into consideration geographic and urban/rural representation, for not more than 100 Head Start agencies to initiate provision of family literacy services through collaborative partnerships with entities that provide adult education services, entities carrying out Even Start programs under part B of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 274 et seq.), or entities that provide other services deemed necessary for the provision of family literacy services; and

"(2) may—

"(A) provide training and technical assistance to Head Start agencies that already provide family literacy services;

"(B) designate as mentor programs, and provide financial assistance to, Head Start agencies that demonstrate effective implementation of family literacy services, based on improved outcomes of children and their parents, to enable such agencies to provide training and technical assistance to other agencies that seek to implement, or improve implementation of, family literacy services; and

"(C) award grants or make other assistance available to facilitate training and technical assistance to programs for development of collaboration agreements with other service providers.

In awarding such grants or assistance, the Secretary shall give special consideration to an organization that has experience in the development and operation of successful family literacy services.".

SEC. 117. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7) by striking the period at the end and inserting "; and";

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

"(2) over a 5-year period, lead to the development and rigorous evaluation of models for the integration of family literacy services with Head Start programs, that demonstrate the ability to make positive gains for children participating in Head Start programs and their parents, and dissemination of information about such models;"; and

(E) by adding at the end the following:

"(9) study the experiences of small, medium, and large States with Head Start programs in

order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

"(A) may include the use of a data set that existed prior to the initiation of the study; and

"(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of the Congress a report containing the results of the study, not later than September 30, 2002."; and

(2) by adding at the end the following:

"(g) NATIONAL HEAD START IMPACT RESEARCH.—

"(1) ANALYSES OF DATA BASES.—The Secretary shall obtain analyses of the following existing databases to guide the evaluation recommendations of the expert panel appointed under paragraph (2) and to provide Congress with initial reports of potential Head Start outcomes—

"(A) by use of The Survey of Income and Program Participation (SIPP) conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start;

"(B) by use of The National Longitudinal Survey of Youth (NLSY) which began gathering data on children who attended Head Start from 1988 on, examine the wide range of outcomes measured within the Survey, including cognitive, socio-emotional, behavioral, and academic development;

"(C) by use of The Survey of Program Dynamics, the new longitudinal survey required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to begin annual reporting, through the duration of the Survey, on Head Start attendees' academic readiness performance and improvements; and

"(D) to ensure that The Survey of Program Dynamics be linked with the NLSY at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the NLSY database.

"(2) EXPERT PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

"(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments), described in paragraph (3), within 1 year after the date of enactment of the Human Services Reauthorization Act of 1998;

"(ii) to maintain and advise the Secretary regarding the progress of the research; and

"(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (8).

"(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

"(3) GENERAL AUTHORITY.—After reviewing the recommendations of the expert panel the Secretary shall enter into a grant, contract, or cooperative agreement with an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

"(4) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

"(5) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the several States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

"(6) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

"(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

"(ii) considers whether the Head Start programs—

"(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

"(II) strengthen families as the primary nurturers of their children; and

"(III) ensure that children attain school readiness; and

"(iii) examines—

"(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

"(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

"(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten, and at the end of first grade, by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

"(C) makes use of random selection from the population of all Head Start programs described in paragraph (5) in selecting programs for inclusion in the research; and

"(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

"(i) individuals who participate in other early childhood programs (such as preschool programs and day care); and

"(ii) individuals who do not participate in any other early childhood program.

"(7) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

"(A) Head Start program operations;

"(B) Head Start program quality;

"(C) the length of time a child attends a Head Start program;

"(D) the age of the child on entering the Head Start program;

"(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

"(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-working-day full-calendar-year program, a part-day program or a part-year program); and

"(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

"(8) REPORTS.—

"(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the Secretary 2 interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

"(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

"(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

"(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

"(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(9) DEFINITION.—In this subsection, the term 'impact', used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

"(h) QUALITY IMPROVEMENT STUDY.—

"(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

"(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including—

"(A) the types of activities funded with the quality improvement funds;

"(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B); and

"(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention.".

SEC. 118. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting "(a) STATUS OF CHILDREN.—" before "At";

(2) by striking "and Labor" each place it appears and inserting "and the Workforce";

(3) in paragraph (14) by striking "and seasonal" and inserting "or seasonal"; and

(4) by adding at the end the following:

"(b) FACILITIES.—At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies.".

SEC. 119. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

SEC. 120. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855–9855g) is repealed.

SEC. 121. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to any fiscal year ending before October 1, 1998.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Community Services Authorization Act of 1998".

SEC. 202. REAUTHORIZATION.

The heading for subtitle B, and sections 671 through 680, of the Community Services Block Grant Act (42 U.S.C. 9901–9909) are amended to read as follows:

"Subtitle B—Community Services Block Grant Program

"SEC. 671. SHORT TITLE.

"This subtitle may be cited as the 'Community Services Block Grant Act'.

"SEC. 672. PURPOSES AND GOALS.

"The purpose of this subtitle is to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)). Such goals may be accomplished through—

"(1) the strengthening of community capabilities for planning, coordinating, and utilizing a broad range of Federal, State, local, and private resources for the elimination of poverty, and for helping individuals and families achieve self-sufficiency;

"(2) greater use of innovative and effective, community-based approaches to attacking the causes and effects of poverty and of community breakdown;

"(3) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grant to empower such individuals to respond to the unique problems and needs within their communities; and

"(4) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role for private, faith-based, charitable, and neighborhood organizations in the provision of services as well as individual citizens, business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

"SEC. 673. DEFINITIONS.

"In this subtitle:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity—

"(A) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Human Services Reauthorization Act of 1998) as of such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

"(B) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

"(2) POVERTY LINE.—The term 'poverty line' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary determines to be feasible and desirable) which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

"(3) PRIVATE, NONPROFIT ORGANIZATION.—The term 'private, nonprofit organization' includes a faith-based organization, to which the provisions of section 679 shall apply.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, includes the Federated States of Micronesia, the Republic of he Marshall Islands, and Palau.

"SEC. 674. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $535,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

"(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for carrying out section 675A (relating to payments for territories);

"(2) 1 ½ percent for activities authorized in sections 678A through 678F, of which—

"(A) not less than ½ of the amount reserved by the Secretary under this paragraph shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities, as required under section 678A(c) for the purpose of carrying out activities described in section 678A; and

"(B) ½ of the remainder of the amount reserved by the Secretary under this paragraph shall be used to carry out monitoring, evaluation, and corrective activities described in sections 678B(c) and 678A; and

"(3) not more than 9 percent for carrying out section 680 (relating to discretionary activities).

"SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

"The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

"SEC. 675A. DISTRIBUTION TO TERRITORIES.

"(a) APPORTIONMENT.—The Secretary shall apportion the amount reserved under section 674(b)(1)—

(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(2) for fiscal years ending before October 1, 2001, and subject to subsection (c), on the basis of need among the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) APPLICATION.—Each jurisdiction to which subsection (a) applies may receive a grant under this subtitle for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application containing provisions that describe the programs for which assistance is sought under this subtitle, and that are consistent with the requirements of section 676.

"(c) LIMITATION.—(1) Funds apportioned under subsection (a) for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out programs in accordance with this subtitle.

"(2) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under paragraph (1).

"(3) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.

"(a) ALLOTMENTS IN GENERAL.—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State, subject to section 677, an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 under such section, except that no State shall receive less than ¼ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—

"(1) MINIMUM ALLOTMENTS.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds $345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(2) MAINTENANCE OF FISCAL YEAR 1990 LEVELS.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under subsection (a) to such State for fiscal year 1990.

"(3) MAXIMUM ALLOTMENTS.—The amount allotted under paragraph (1) to a State shall be reduced for a fiscal year, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the fiscal year preceding the fiscal year for which a determination is made under this subsection.

"(c) ALLOTMENT OF ADDITIONAL FUNDS.—Notwithstanding subsections (a) and (b), in any fiscal year in which the amount appropriated under section 674(a) exceeds the amount appropriated under such section for fiscal year 1999, such excess shall be allotted among the States proportionately based on—

"(1) the number of public assistance recipients in the respective States;

"(2) the number of unemployed individuals in the respective States; and

"(3) the number of individuals with incomes below the poverty line in the respective States.

"(d) PAYMENTS.—The Secretary shall make payments to eligible States from the allotments made under this section. The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

"(e) DEFINITION.—For purposes of this section, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"SEC. 675C. USES OF FUNDS.

"(a) GRANTS TO LOCAL ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

"(1) IN GENERAL.—Not less than 90 percent of the funds allotted to a State under section 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

"(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, in accordance with paragraph (3).

"(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

"(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

"(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.

"(b) STATEWIDE ACTIVITIES.—

"(1) USE OF REMAINDER.—If a State uses less than 100 percent of the State allotment to make grants under subsection (a), the State shall use the remainder of the allotment (subject to paragraph (2)) for activities which may include—

"(A) providing training and technical assistance to those entities in need of such training and assistance;

"(B) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detailing appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

"(C) supporting statewide coordination and communication among eligible entities;

"(D) analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

"(E) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

"(F) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

"(G) supporting other activities, consistent with the purposes of this subtitle; and

"(H) State charity tax credits as described in subsection (c).

"(2) ADMINISTRATIVE CAP.—No State may spend more than the greater of $55,000, or 5 percent, of the State's allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the State allotment that remains after the State makes grants to eligible entities under subsection (a).± The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses.

"(c)(1) Subject to paragraph (2), if there is in effect under State law a charity tax credit, then the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

"(2) The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

"(3) For purposes of this subsection:

"(A) CHARITY TAX CREDIT.—The term 'charity tax credit' means a nonrefundable credit against State income tax (or, in the case of a State which does not impose an income tax, a comparable benefit) which is allowable for contributions, in cash or in kind, to qualified charities.

"(B) QUALIFIED CHARITY.—

"(i) IN GENERAL.—The term 'qualified charity' means any organization—

"(I) which is—

"(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(bb) a community action agency as defined in the Economic Opportunity Act of 1964; or

"(cc) a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437A(b)(6));

"(II) which is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

"(III) if such organization is otherwise required to file a return under section 6033 of such Code, which elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

"(ii) CERTAIN CONTRIBUTIONS TO COLLECTION ORGANIZATIONS TREATED AS CONTRIBUTIONS TO QUALIFIED CHARITY.—

"(I) IN GENERAL.—A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

"(II) COLLECTION ORGANIZATION.—The term 'collection organization' means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

"(aa) which solicits and collects gifts and grants which, by agreement, are distributed to qualified charities described in clause (i);

"(bb) which distributes to qualified charities described in clause (i) at least 90 percent of the gifts and grants it receives that are designated for such qualified charities; and

"(cc) which meets the requirements of clause (vi).

"(iii) CHARITY MUST PRIMARILY ASSIST POOR INDIVIDUALS.—

"(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget) in order to prevent or alleviate poverty among such individuals and families.

"(II) NO RECORDKEEPING IN CERTAIN CASES.—An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups which are generally recognized as including substantially only individuals and families described in subclause (I).

"(III) FOOD AID AND HOMELESS SHELTERS.—Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

"(aa) donations of food or meals; or

"(bb) temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

"(iv) MINIMUM EXPENSE REQUIREMENT.—

"(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program expenses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

"(II) POVERTY PROGRAM EXPENSE.—For purposes of subclause (I)—

"(aa) IN GENERAL.—The term 'poverty program expense' means any expense in providing program services referred to in clause (iii).

"(bb) EXCEPTIONS.—Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense which consists of a payment to an affiliate of the organization.

"(v) REPORTING REQUIREMENT.—The information required to be furnished under this clause is—

"(i) the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

"(ii) the category or categories (including food, shelter, education, substance abuse, job training, or otherwise) of services which constitute its predominant activities.

"(vi) ADDITIONAL REQUIREMENTS FOR COLLECTION ORGANIZATIONS.—The requirements of this clause are met if the organization—

"(I) maintains separate accounting for revenues and expenses; and

"(II) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

"(vii) SPECIAL RULE FOR STATES REQUIRING TAX UNIFORMITY.—In the case of a State—

"(I) which has a constitutional requirement of tax uniformity; and

"(II) which, as of December 31, 1997, imposed a tax on personal income with—

"(aa) a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

"(bb) no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit is limited

to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).

"(4) No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

"SEC. 676. APPLICATION AND PLAN.

"(a) DESIGNATION OF LEAD AGENCY.—

"(1) DESIGNATION.—The chief executive officer of a State desiring to receive an allotment under this subtitle shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

"(2) DUTIES.—The lead agency shall—

"(A) develop the State plan to be submitted to the Secretary under subsection (b);

"(B) in conjunction with the development of the State plan as required under subsection (b), hold at least 1 hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment for the period covered by the State plan; and

"(C) conduct reviews of eligible entities under section 678B.

"(3) LEGISLATIVE HEARING.—The State shall hold at least 1 legislative hearing every 3 years in conjunction with the development of the State plan.

"(b) STATE APPLICATION AND PLAN.—Beginning with fiscal year 2000, to be eligible to receive an allotment under this subtitle, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

"(1) an assurance that funds made available through the allotment will be used to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

"(A) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under title IV of the Social Security Act);

"(B) to secure and retain meaningful employment;

"(C) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

"(D) to make better use of available income;

"(E) to obtain and maintain adequate housing and a suitable living environment;

"(F) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

"(G) to achieve greater participation in the affairs of the community, including activities that strengthen and improve the relationship with local law enforcement agencies, which may include activities such as neighborhood or community policing efforts;

"(H) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to prevention of youth problems and crime, promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs, which may include after-school child care programs; and

"(I) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

"(2) a description of how the State intends to use discretionary funds made available from the remainder of the allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

"(3) based on information provided by eligible entities in the State, a description of—

"(A) the service delivery system, for services provided or coordinated with funds made available through the allotment, targeted to low-income individuals and families in communities within the State;

"(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

"(C) a description of how funds made available through the allotment will be coordinated with other public and private resources; and

"(D) a description of how the funds will be used to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle which may include fatherhood and other initiatives with the goal of strengthening families and encouraging parental responsibility;

"(4) an assurance that local eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

"(5) an assurance that the State and the local eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services (including a description of how the State and the local eligible entities will coordinate with State and local workforce investment systems in the provision of employment and training services in the State and in local communities);

"(6) an assurance that the State will ensure coordination between antipoverty programs in each community, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

"(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

"(8) an assurance that any eligible entity that received funding in the previous fiscal year under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

"(9) an assurance that local eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including faith-based organizations, charitable groups, and community organizations;

"(10) an assurance that the State will require each eligible entity to establish procedures under which a low-income individual, community organization, or faith-based organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

"(11) an assurance that the State will secure from each eligible entity, as a condition to receipt of funding by the entity under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

"(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system established pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

"(13) information describing how the State will carry out the assurances described in this subsection.

"(c) FUNDING TERMINATION OR REDUCTIONS.—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

"(1) a funding reduction, the term 'cause' includes—

"(A) a statewide redistribution of funds provided under this subtitle to respond to—

"(i) the results of the most recently available census or other appropriate data;

"(ii) the designation of a new eligible entity; or

"(iii) severe economic dislocation; or

"(B) the failure of an eligible entity to comply with the terms of an agreement to provide services under this subtitle; and

"(2) a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of such an agreement and the State plan to provide services under this subtitle or the consistent failure of the entity to achieve performance measures as determined by the State.

"(d) PROCEDURES AND INFORMATION.—The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.

"(e) REVISIONS AND INSPECTION.—

"(1) REVISIONS.—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

"(2) PUBLIC INSPECTION.—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

"SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

"(a) QUALIFIED ORGANIZATION IN OR NEAR AREA.—

"(1) IN GENERAL.—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such

area, the chief executive officer may solicit applications from, and designate as an eligible entity—

"(A) a private nonprofit eligible entity located in an area contiguous to or within reasonable proximity of the unserved area that is already providing related services in the unserved area; or

"(B) a private nonprofit organization that is geographically located in the unserved area that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency and that meets the requirements of this subtitle.

"(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

"(A) in each of the 3 required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

"(B) in the category described in section 676B(a)(2), by members that reside in the neighborhood served.

"(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to local eligible entities that are already providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

"(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

"SEC. 676B. TRIPARTITE BOARDS.

"(a) PRIVATE NONPROFIT ENTITIES.—

"(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development and implementation of the program to serve low-income communities or groups.

"(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

"(A) ⅓ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than ⅓ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such ⅓ requirement;

"(B) not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served;

"(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served; and

"(D) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subparagraph (B) resides in the neighborhood represented by the member.

"(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

"(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

"(A) are representative of low-income individuals and families in the neighborhood served;

"(B) reside in the neighborhood served; and

"(C) are able to participate actively in the planning and implementation of programs funded under this subtitle; or

"(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the planning, administration, and evaluation of programs funded under this subtitle.

"SEC. 677. PAYMENTS TO INDIAN TRIBES.

"(a) RESERVATION.—If, with respect to any State, the Secretary—

"(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

"(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

"(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance under this subtitle in such State.

"(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(d) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

"(e) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' mean a tribe, band, or other organized group of Indians recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

"(2) INDIAN.—The term 'Indian' means a member of an Indian tribe or of a tribal organization.

"SEC. 678. OFFICE OF COMMUNITY SERVICES.

"(a) OFFICE.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and Human Services. The Office shall be headed by a Director.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

"SEC. 678A. TRAINING AND TECHNICAL ASSISTANCE.

"(a) ACTIVITIES.—The Secretary shall use the amounts reserved in section 674(b)(2) for training, technical assistance, planning, evaluation, performance measurement, corrective action activities (to correct programmatic deficiencies of eligible entities), reporting, and data collection activities related to programs carried out under this subtitle, and in accordance with subsection (c). Training and technical assistance activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

"(b) PROCESS.—The process for determining the training and technical assistance to be carried out under this section shall—

"(1) ensure that the needs of eligible entities and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State network of eligible entities.

"(c) DISTRIBUTION REQUIREMENT.—Of the amounts reserved under section 674(b)(2) for activities to be carried out under this section, not less than ½ of such amounts shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities for the purpose of improving program quality (including financial management practices), management information and reporting systems, measurement of program results, and for the purpose of ensuring responsiveness to local neighborhood needs.

"SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

"(a) IN GENERAL.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

"(1) A full onsite review of each such entity at least once during each 3-year period.

"(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

"(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

"(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants terminated for cause.

"(b) REQUESTS.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

"(c) EVALUATIONS BY THE SECRETARY.—The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with subsection (b) of section 676. A report of such evaluations, together with recommendations of improvements designed to enhance the benefit and impact to people in need, shall be sent to each State evaluated. Upon receiving the report the State shall submit a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairman of the Committee on Education and the Workforce of the House of Representatives

and the Chairman of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

"SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.

"(a) DETERMINATION.—If the State determines, on the basis of a review pursuant to subsection 678B, that an eligible entity materially fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

"(1) inform the entity of the deficiency to be corrected;

"(2) require the entity to correct the deficiency;

"(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

"(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

"(4)(A) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

"(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

"(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

"(b) REVIEW.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 120 days after the determination to terminate the designation or reduce the funding. If the review is not completed within 120 days, the determination of the State shall become final at the end of the 120th day.

"(c) DIRECT ASSISTANCE.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State's hearing and the Secretary's review as required in subsection (b), the Secretary shall assume responsibility for providing financial assistance to the eligible entity affected until the violation is corrected. In such case, the allotment for the State shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

"SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.

"(a) FISCAL CONTROLS, PROCEDURES, AUDITS, AND INSPECTIONS.—

"(1) IN GENERAL.—A State that receives funds under this subtitle shall—

"(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

"(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of funds under this subtitle;

"(C) prepare, at least every year in accordance with paragraph (2) an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

"(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

"(2) AUDITS.—Each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

"(3) REPAYMENTS.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

"(b) WITHHOLDING.—

"(1) IN GENERAL.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the State allotment substantially in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

"(2) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any 1 of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

"(3) INVESTIGATIONS.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

"SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.

"(a) STATE ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—

"(A) IN GENERAL.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system established by the Secretary pursuant to subsection (b), or an alternative system that meets the requirements of subsection (b).

"(B) LOCAL AGENCIES.—The State may elect to have local agencies who are subcontractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

"(2) ANNUAL REPORT.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on indirect services or administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

"(b) SECRETARY'S ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of 1 or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

"(2) REPORTING REQUIREMENTS.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

"(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

"(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on indirect services or administrative costs and on the direct delivery of local services by eligible entities;

"(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

"(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

"(E) a summary of each State's performance results, and the results for the eligible entities, as collected and submitted by the States in accordance with subsection (a)(2); and

"(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time prior to the start of the fiscal year for the States to collect and provide the information.

"(3) SUBMISSION.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct, indirect, and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

"(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than $350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

"SEC. 678F. LIMITATIONS ON USE OF FUNDS.

"(a) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

"(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

"(b) POLITICAL ACTIVITIES.—

"(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

"(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity.

"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"(c) NONDISCRIMINATION.—

"(1) IN GENERAL.—No person shall, on the basis of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

"(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 679. OPERATIONAL RULE.

"(a) FAITH-BASED ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.

"(b) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a faith-based organization to remove religious art, icons, scripture, or other symbols in order to be eligible to provide assistance under a program described in subsection (a).

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a faith-based organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any faith-based organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

"SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

"(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in (2)(E)) for each of the objectives described in paragraphs (2) through (4).

"(2) COMMUNITY ECONOMIC DEVELOPMENT.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, non-profit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

"(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include—

"(A) grants to private, nonprofit corporations that provide assistance concerning home repair to rural low-income families and planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional, private, nonprofit organizations to provide training and technical assistance to small, rural communities in meeting their community facility needs.

"(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

"(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

"(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate.".

SEC. 203. RELATED AMENDMENTS.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended—

(1) by striking section 681;

(2) in section 681A—

(A) by striking "681A" and inserting "681";

(B) in subsection (c) by striking "Labor" and inserting "the Workforce"; and

(C) in subsection (d) by striking "$25,000,000" and all that follows through "1998", and inserting "$5,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003";

(3) in section 682—

(A) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the applicant shall, in each community in which a program is funded under this section—

"(A) ensure that—

"(i) a community-based advisory committee, composed of representatives of local youth, family, and social service organizations, schools, entities that provide park and recreation services, entities that provide training services, and community-based organizations that serve high-risk youth, is established; or

"(ii) an existing community-based advisory board, commission, or committee with similar membership is used; and

"(B) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle;"; and

(B) in subsection (f) by striking "each fiscal year" and all that follows through "1998", and inserting "for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003"; and

(4) by striking sections 683 and 684, and inserting the following:

"SEC. 683. DRUG TESTING AND PATERNITY DETERMINATIONS.

"(a) DRUG TESTING PERMITTED.—(1) Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out under this subtitle for controlled substances or from imposing sanctions on such participants who test positive for any of such substances.

"(2) Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

"(b) PATERNITY DETERMINATIONS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

"(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services;

"(2) refer eligible parents to the child support offices of State and local governments; and

"(3) establish referral arrangements with such offices.

"SEC. 684. REFERENCES.

"Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673 of this subtitle. Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program.".

SEC. 204. ASSETS FOR INDEPENDENCE.

The Community Services Block Grant Act (42 U.S.C. 9901–9912), as amended by sections 202 and 203, is amended—

(1) by striking "this subtitle' each place it appears (other than in section 671) and inserting "this part";

(2) by inserting the following after section 671:

"CHAPTER 1—COMMUNITY SERVICES GRANTS";

and

(3) by adding at the end the following:

"CHAPTER 2—ASSETS FOR INDEPENDENCE

"SEC. 685. SHORT TITLE.

"This chapter may be cited as the 'Assets for Independence Act'.

"SEC. 686. FINDINGS.

"Congress makes the following findings:

"(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

"(2) Fully ½ of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the household savings rate of the United States lags far behind other industrial nations presenting a barrier to economic growth.

"(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

"(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

"SEC. 687. PURPOSES.

"The purposes of this chapter are to provide for the establishment of demonstration projects designed to determine—

"(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

"(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

"(3) the extent to which an asset-based policy stabilizes and improves families and the community in which they live.

"SEC. 688. DEFINITIONS.

"In this chapter:

"(1) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is selected to participate by a qualified entity under section 693.

"(3) EMERGENCY WITHDRAWAL.—The term 'emergency withdrawal' means a withdrawal by an eligible individual that—

"(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

"(B) is permitted by a qualified entity on a case-by-case basis; and

"(C) is made for—

"(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

"(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

"(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

"(4) HOUSEHOLD.—The term 'household' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

"(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'individual development account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust meets the following requirements:

"(i) No contribution will be accepted unless it is in cash or by check.

"(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

"(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 694.

"(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(v) Except as provided in clause (vi), any amount in the trust which is attributable to a deposit provided under section 694 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

"(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

"(B) CUSTODIAL ACCOUNTS.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this chapter, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee thereof.

"(6) PROJECT YEAR.—The term 'project year' means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

"(7) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal

Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) a State or local government agency, or a tribal government, submitting an application under section 689 jointly with an organization described in clause (i).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this chapter.

"(8) QUALIFIED EXPENSES.—The term 'qualified expenses' means 1 or more of the following, as provided by the qualified entity:

"(A) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

"(i) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means the following:

"(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

"(II) FEES, BOOKS, SUPPLIES, AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

"(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term "eligible educational institution' means the following:

"(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this chapter.

"(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this chapter.

"(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

"(i) PRINCIPAL RESIDENCE.—The term 'principal residence' means a principal residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

"(ii) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

"(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

"(I) IN GENERAL.—The term 'qualified first-time homebuyer' means an individual participating in the project (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

"(II) DATE OF ACQUISITION.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

"(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

"(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term "qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(ii) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

"(iii) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

"(iv) QUALIFIED PLAN.—The term 'qualified plan' means a business plan, or a plan to use a business asset purchased, which—

"(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

"(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

"(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

"(D) TRANSFERS TO IDAS OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

"(i) the individual's spouse; or

"(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

"(9) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term 'qualified savings of the individual for the period' means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"SEC. 689. APPLICATIONS.

"(a) ANNOUNCEMENT OF DEMONSTRATION PROJECTS.—Not later than 3 months after the date of enactment of this chapter, the Secretary shall publicly announce the availability of funding under this chapter for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

"(b) SUBMISSION.—Not later than 6 months after the date of enactment of this chapter, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this chapter.

"(c) CRITERIA.—In considering whether to approve an application to conduct a demonstration project under this chapter, the Secretary shall assess the following:

"(1) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses. In making such assessment, the Secretary shall consider the overall quality of project activities in making any particular kind or combination of qualified expenses to be an essential feature of any project.

"(2) ADMINISTRATIVE ABILITY.—The experience and ability of the applicant to responsibly administer the project.

"(3) ABILITY TO ASSIST PARTICIPANTS.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

"(4) COMMITMENT OF NON-FEDERAL FUNDS.—The aggregate amount of direct funds from non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

"(5) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

"(6) OTHER FACTORS.—Such other factors relevant to the purposes of this chapter as the Secretary may specify.

"(d) PREFERENCES.—In considering an application to conduct a demonstration project under this chapter, the Secretary shall give preference to an application that—

"(1) demonstrates the willingness and ability to select individuals described in section 692 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

"(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed by private sector sources; and

"(3) targets such individuals residing within 1 or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

"(e) APPROVAL.—Not later than 9 months after the date of enactment of this chapter, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this chapter as the Secretary deems appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary is encouraged to ensure that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

"(f) CONTRACTS WITH NONPROFIT ENTITIES.—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to conduct any responsibility of the Secretary under this section or section 696 if—

"(1) such entity demonstrates the ability to conduct such responsibility; and

"(2) the Secretary can demonstrate that such responsibility would not be conducted by the Secretary at a lower cost.

"SEC. 690. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

"(a) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this chapter, the Secretary shall, not later than 10 months after the date of enactment of this chapter, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this chapter.

"(b) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this chapter, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

"(1) the aggregate amount of funds committed as matching contributions by non-Federal public or private sector sources; or

"(2) $1,000,000.

"SEC. 691. RESERVE FUND.

"(a) ESTABLISHMENT.—A qualified entity under this chapter, other than a State or local government agency, or a tribal government, shall establish a Reserve Fund which shall be maintained in accordance with this section.

"(b) AMOUNTS IN RESERVE FUND.—

"(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

"(A) all funds provided to the qualified entity by any public or private source in connection with the demonstration project; and

"(B) the proceeds from any investment made under subsection (c)(2).

"(2) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

"(c) USE OF AMOUNTS IN THE RESERVE FUND.—

"(1) IN GENERAL.—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

"(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

"(B) provide deposits in accordance with section 694 for individuals selected by the qualified entity to participate in the demonstration project;

"(C) administer the demonstration project; and

"(D) provide the research organization evaluating the demonstration project under section 698 with such information with respect to the demonstration project as may be required for the evaluation.

"(2) AUTHORITY TO INVEST FUNDS.—

"(A) GUIDELINES.—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

"(B) INVESTMENT.—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

"(3) LIMITATION ON USES.—Not more than 9.5 percent of the amounts provided to a qualified entity under section 698(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If 2 or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

"(d) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

"(1) the amounts in its Reserve Fund at time of the termination; multiplied by

"(2) a percentage equal to—

"(A) the aggregate amount of grants made to the qualified entity under section 698(b); divided by

"(B) the aggregate amount of all funds provided to the qualified entity by all sources to conduct the project.

"SEC. 692. ELIGIBILITY FOR PARTICIPATION.

"(a) IN GENERAL.—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this chapter:

"(1) INCOME TEST.—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

"(2) NET WORTH TEST.—

"(A) IN GENERAL.—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed $10,000.

"(B) DETERMINATION OF NET WORTH.—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

"(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

"(ii) the obligations or debts of any member of the household.

"(C) EXCLUSIONS.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

"(b) INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.—The Secretary shall establish such regulations as are necessary, including prohibiting future eligibility to participate in any other demonstration project conducted under this chapter, to ensure compliance with this chapter if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project.

"SEC. 693. SELECTION OF INDIVIDUALS TO PARTICIPATE.

"From among the individuals eligible to participate in a demonstration project conducted under this chapter, each qualified entity shall select the individuals—

"(1) that the qualified entity deems to be best suited to participate; and

"(2) to whom the qualified entity will provide deposits in accordance with section 694.

"SEC. 694. DEPOSITS BY QUALIFIED ENTITIES.

"(a) IN GENERAL.—Not less than once every 3 months during each project year, each qualified entity under this Act shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

"(1) from the non-Federal funds described in section 689(c)(4), a matching contribution of not less than $0.50 and not more than $4 for every $1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

"(2) from the grant made under section 690(b), an amount equal to the matching contribution made under paragraph (1); and

"(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $2,000 from a grant made under section 690(b) shall be provided to any 1 individual over the course of the demonstration project.

"(c) LIMITATION ON DEPOSITS FOR A HOUSEHOLD.—Not more than $4,000 from a grant made under section 690(b) shall be provided to any 1 household over the course of the demonstration project.

"(d) WITHDRAWAL OF FUNDS.—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for 1 or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve such withdrawal in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

"(e) REIMBURSEMENT.—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under section 694 to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

"SEC. 695. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.

"A qualified entity under this chapter, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 697, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this chapter as are necessary to ensure compliance with the approved applications and the requirements of this chapter.

"SEC. 695A. GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.

"Any statewide asset-building program consistent with the purposes of this chapter that is established in State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than $1,000,000 in non-Federal funds, shall be deemed to have met the requirements of section 688 and to be eligible for consideration by the Secretary as a demonstration program described in this chapter. Applications submitted by such statewide program shall be considered for funding by the Secretary notwithstanding the preferences listed in section 689(d). Any program requirements under sections 691 through 695 that are inconsistent with State statutory requirements in effect on such date governing such statewide program are hereby waived.

"SEC. 696. ANNUAL PROGRESS REPORTS.

"(a) IN GENERAL.—Each qualified entity under this chapter shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

"(1) The number and characteristics of individuals making a deposit into an individual development account.

"(2) The amounts in the Reserve Fund established with respect to the project.

"(3) The amounts deposited in the individual development accounts.

"(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

"(5) The balances remaining in the individual development accounts.

"(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

"(7) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of

participation in the demonstration project and how such configurations varied among different populations or communities.

"(8) Such other information as the Secretary may require to evaluate the demonstration project.

"(b) SUBMISSION OF REPORTS.—The qualified entity shall submit each report required to be prepared under subsection (a) to—

"(1) the Secretary; and

"(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

"(c) TIMING.—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

"SEC. 697. SANCTIONS.

"(a) AUTHORITY TO TERMINATE DEMONSTRATION PROJECT.—If the Secretary determines that a qualified entity under this chapter is not operating the demonstration project in accordance with the entity's application or the requirements of this chapter (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

"(b) ACTIONS REQUIRED UPON TERMINATION.—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

"(1) shall suspend the demonstration project;

"(2) shall take control of the Reserve Fund established pursuant to section 691;

"(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, as modified, if necessary to incorporate the recommendations) and the requirements of this chapter;

"(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

"(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, as modified, if necessary, to incorporate the recommendations) and the requirements of this chapter;

"(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 691; and

"(C) consider, for purposes of this chapter—

"(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

"(ii) the date of such authorization to be the date of the original authorization; and

"(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

"(A) terminate the project; and

"(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 689(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 689(c)(4) bears to the amount provided by all such sources under that section.

"SEC. 698. EVALUATIONS.

"(a) IN GENERAL.—Not later than 10 months after the date of enactment of this chapter, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this chapter.

"(b) FACTORS TO EVALUATE.—In evaluating any demonstration project conducted under this chapter, the research organization shall address the following factors:

"(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

"(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

"(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

"(4) The effects of individual development accounts on homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

"(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

"(6) The lessons to be learned from the demonstration projects conducted under this chapter and if a permanent program of individual development accounts should be established.

"(7) Such other factors as may be prescribed by the Secretary.

"(c) METHODOLOGICAL REQUIREMENTS.—In evaluating any demonstration project conducted under this chapter, the research organization shall—

"(1) for at least 1 site, use control groups to compare participants with nonparticipants;

"(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

"(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

"(d) REPORTS BY THE SECRETARY.—

"(1) INTERIM REPORTS.—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this chapter, and every 12 months thereafter until all demonstration projects conducted under this chapter are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 696(b).

"(2) FINAL REPORTS.—Not later than 12 months after the conclusion of all demonstration projects conducted under this chapter, the Secretary shall submit to Congress a final report setting forth the results and findings of all reports and evaluations conducted pursuant to this chapter.

"(e) EVALUATION EXPENSES.—The Secretary shall expend such sums as may be necessary, but not less than 2 percent of the amount appropriated under section 699A for a fiscal year, to carry out the purposes of this section.

"SEC. 699. TREATMENT OF FUNDS.

"Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be income, assets, or resources of the individuals for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

"SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this chapter, $25,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, to remain available until expended.".

SEC. 205. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to fiscal years ending before October 1, 1998.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

SEC. 301. SHORT TITLE.

This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1998".

SEC. 302. AUTHORIZATION.

(a) IN GENERAL.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting ", $1,100,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal year 2001" after "1995 through 1999".

(b) PROGRAM YEAR.—Section 2602(c) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

"(c) Amounts appropriated under this section in any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year.".

(c) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL RESOURCES.—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended by striking "for each of the fiscal years 1996" and all that follows through the period at the end, and inserting "for each of the fiscal years 1999, 2000, and 2001.".

(d) TECHNICAL AMENDMENT.—Section 2602(e) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "subsection (g)" and inserting "subsection (e) of such section".

SEC. 303. DEFINITIONS.

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking "the term" and inserting "The term"; and

(2) by striking the semicolon and inserting a period.

SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.

(a) DEFINITIONS.—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

"(7) NATURAL DISASTER.—The term 'natural disaster' means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.";

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

"(1) EMERGENCY.—The term 'emergency' means—

"(A) a natural disaster;

"(B) a significant home energy supply shortage or disruption;

"(C) a significant increase in the cost of home energy, as determined by the Secretary;

"(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

"(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income

carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

"(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

"(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.".

(b) CONSIDERATIONS.—Section 2604(g) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last 2 sentences and inserting the following: "In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, whether a Member of Congress has requested that the State receive the allotment, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection.".

SEC. 305. STATE ALLOTMENTS.

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) in subsection (c)(3)(B)(ii), by striking "application" and inserting "applications";

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking "(a) through (f)" and inserting "(a) through (d)"; and

(5) by redesignating subsection (g) as subsection (e).

SEC. 306. ADMINISTRATION.

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking "and not transferred pursuant to section 2604(f) for use under another block grant";

(B) in paragraph (14), by striking "; and" and inserting a semicolon;

(C) in the matter following paragraph (14), by striking "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(D) in the matter following paragraph (16), by inserting before "The Secretary shall issue" the following: "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "States" and inserting "State"; and

(B) in subparagraph (G)(i), by striking "has" and inserting "had"; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting ", particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy" before the period.

SEC. 307. PAYMENTS TO STATES.

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking "and not transferred pursuant to section 2604(f)"; and

(2) in the second sentence, by striking "but not transferred by the State".

SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.

(a) EVALUATION.—The Comptroller General shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) INCENTIVE GRANTS.—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking "For each of the fiscal years 1996 through 1999" and inserting "For each fiscal year".

(d) TECHNICAL AMENDMENTS.—Section 2607B of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking "on" and inserting "of"; and

(2) by redesignating subsection (g) as subsection (f).

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conferees on behalf of the Senate.

There being no objection, the Presiding Officer (Mr. ENZI) appointed Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. KENNEDY, and Mr. DODD conferees on the part of the Senate.

REREFERRAL OF S. 2402

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 2402 be discharged from the Committee on Agriculture, Nutrition, and Forestry and be referred to the Committee on Energy and Natural Resources.

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

ORDERS FOR MONDAY, SEPTEMBER 21, 1998

Mr. SESSIONS. On behalf of the majority leader, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, September 21. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I further ask that there then be a period of morning business until 2 p.m., with the first hour under the control of Senator CRAIG, or his designee, and the second hour under the control of Senator DORGAN, or his designee.

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

Mr. SESSIONS. I further ask unanimous consent that following morning business, the Senate resume consideration of S. 1301, the bankruptcy bill.

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

PROGRAM

Mr. SESSIONS. For the information of all Members, the majority leader advises that the Senate will reconvene on Monday at noon and begin a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the bankruptcy bill. Members who may still offer amendments to the bankruptcy bill under the consent agreement of September 11 are encouraged to come to the floor during Monday's session to offer and debate their amendments.

It is the leader's intention to complete action on the bankruptcy bill by early Tuesday afternoon, so it is hoped all Members will have offered and debated all amendments by that time.

Members are reminded that a cloture motion was filed today to the committee substitute to the Child Custody Protection Act. Therefore, under the provisions of rule XXII, Members have until 1 p.m. on Monday to file first-degree amendments regarding child custody. As a further reminder, there will be no votes during Monday's session, and the next votes will occur beginning at 2 p.m. on Tuesday, September 22. Members will be notified how many votes will occur on Tuesday when that information is available.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 1998

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:07 p.m., adjourned until Monday, September 21, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 18, 1998:

DEPARTMENT OF STATE

BILL RICHARDSON, OF NEW MEXICO, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

HOUSE OF REPRESENTATIVES—*Friday, September 18, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to use our words as symbols of truth and peace, and not as arrows of vengeance; remind us to use our thoughts as reservoirs of wisdom, and not as arenas of suspicion; instruct our minds to harbor thoughts of reconciliation and understanding, and not to hold rancor or resentment; train our hands to work together to demonstrate the unity of purpose and the solidarity of appreciation that binds us together. As You have created us in Your image, O God, so unite us in the bonds of respect one for the other. May the good feelings of our hearts find resonance with our words and may all our good words find relevance in our daily lives. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. CHAMBLISS) come forward and lead the House in the Pledge of Allegiance.

Mr. CHAMBLISS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2281. An act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

H.R. 3874. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2281) "An Act to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. THURMOND, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3874) "an Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. COCHRAN, Mr. MCCONNELL, Mr. HARKIN, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1770. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 1998. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. Con. Res. 103. Concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

DOLLARS TO THE CLASSROOM ACT

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 543 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. 3248.

□ 0902

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. 3248) to provide Dollars to the Classroom, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. 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 California (Mr. MARTINEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it was last evening when I indicated that I would try to be as kind as I could to the Department of Education and as kind as I could to the lobbyists for the chief school administrators, but it is very difficult to be kind with my words when it is very obvious that they knew exactly what they were doing when they sent erroneous material to Members of the Congress. They knew very well that what they were talking about was an appropriation bill. We are not talking about an appropriation bill today. We, as a matter of fact, are talking about Dollars to the Classroom.

It does not take a rocket scientist to realize that if the appropriators reduce spending in any category, less money will be available. But this has nothing to do with that. No matter what the appropriators do, we, with Dollars to the Classroom, will send more money to the classroom. No matter what, as I said, the appropriators would do.

The gentleman from Pennsylvania (Mr. PITTS) has labored long and hard

for 2 years to bring this legislation to us. And I want to point out before anybody gets up and says our State would lose money, that they are wrong. Let me pick off some States, and those in the committee will know which States I am choosing, since they sit to my right, one, two, three, four, five, six, down the line.

Missouri. Missouri gets $8 million more in Dollars to the Classroom. California gets $25 million more in Dollars to the Classroom. New Jersey gets $12 million more. Michigan gets $17 million more. New York, $13 million more. Indiana, $5.5 million more. Hawaii, about $2 million more. All those States gain, not lose, with Dollars to the Classroom.

I can understand why the bureaucracy and those who represent bureaucracies are trying to derail the program. They want to save the bureaucracies. They apparently do not care whether money gets to teachers and to children. They apparently are only concerned about having the bureaucracy in Washington and having the bureaucracy back in the States. Well, that does not help improve education in the United States. And that additional money to each of those States that I mentioned, and all other States, means that every school will get $9,300 more and every classroom will get $425 more. And that is from the Congressional Research Service, not from me.

We have 760 programs across 40 bureaucracies at the present time. Do my colleagues realize it takes teachers and administrators 48 million hours a year to complete the paperwork required by the Federal Government, or the equivalent of 25,000 teachers working 40 hours per week for a full year just to cut through the red tape? Not one penny to a child. What a tragedy.

Well, the gentleman from Pennsylvania (Mr. PITTS) and our committee have before us today an opportunity to get the money down to the children, 95 percent down into the classroom where the teacher and the children and the administrators and the parents can make a true effort to bring about the necessary reform in order to make sure that all receive a quality education in the United States.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to yield time?

Mr. GOODLING. Madam Chairman, I do not want to end up finding that we have yielded all the time and then have no time to refute all the misstatements that may be made later on. And I am sure they will be made.

Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, I thank the gentleman for his leadership and for bringing this reform to the floor.

Before I go into the specifics of this bill, let me just cover some charts here. This is a $2.74 billion bill that directs money to the classrooms, to the parents, the teachers, and the children of this Nation. And what I am looking forward to is delivering this check. Every Member of the House will have an opportunity to go to their districts and give a check to their children, to their teachers, to their parents, similar to this for the 16th Congressional District. This money can be used the way they want to spend it, and this is additional money under the existing appropriations level. This is the kind of money that is being freed up due to elimination of the administrative requirements that are presently required that eat up about 35 percent of Federal education tax dollars.

Let me just briefly describe the bill. What the bill does is consolidate 31 Federal programs and, instead of those Federal programs, as this chart shows, being siphoned off at every level, the Federal level, the State level, instead of money being used for agencies and assistance centers and private organizations, administrative cost, paperwork, the money will be a single stream from the U.S. Federal Department of Education down to the local school districts. This means a tremendous savings, with more flexibility, more money, and more local control.

Every State is held harmless 100 percent. There is an inflationary provision in the bill. And the result is the children of this Nation are going to win. Whatever the local teachers and parents decide is their need in spending education tax dollars, they can spend that money. And it might be spending money to make smaller class sizes, it might be for computers hooking up to the internet, microscopes, maps, globes, teachers' salaries, aids, equipment, books, supplies, whatever their priorities are is what they can use the money for.

And so, Madam Chairman, I am very pleased that organizations like the U.S. Chamber of Commerce are saying this is going to be a key vote in how they rate Members.

I think it really comes down to this: Who do we trust with our tax dollars? Our local teachers, our local educators, our local parents, or the bureaucracy, the Federal bureaucracy? I cast my vote for our children, our teachers, our parents on the local level.

Support the Dollars to the Classroom Act.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong opposition to H.R. 3248, the Dollars to the Classroom Act. This legislation converts 31 targeted popular, effective elementary and secondary education programs into a block grant to the States. The replaced programs include Eisenhower Professional Development, the Technology Literacy Challenge Fund, Goals 2000, School to Work, Comprehensive School Reform, and even Close-Up. This is the only attempt by the majority to address education reform during the 105th Congress, and it relies on a measure that removes accountability, eliminates targeting to the neediest children, and promotes reduction in education spending.

H.R. 3248 abandons the Federal commitment to target education dollars to the neediest children in America. Currently, the Federal Government targets education funds to impoverished areas at seven times the rate of State and local efforts. H.R. 3248 repeals this targeting and allows Governors and States to divert limited resources away from needy schools and students.

H.R. 3248 also replaces existing programs that have strong accountability with a blank check to the States, and does not provide the oversight necessary to ensure quality programs. In addition, H.R. 3248 will cause a loss in education funding generally. In 1981, more than 40 education programs were merged into a block grant. Since then, funding for this education block grant has decreased by more than half. We should be enhancing our investment in education not gradually dismantling the Department of Education through budget cuts and block grants.

Finally, H.R. 3248 does nothing to address real education priorities, such as modernizing our public schools, reducing class size, improving reading and reforming our most troubled schools.

Our colleague, the gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education and the Workforce, will offer an amendment that represents a key ingredient in education reform. This amendment will substitute the bill with a class size reduction initiative. Support for class size reduction cuts across party lines. In the State of California, the class size initiative was put in place by Governor Wilson. Other State and local officials, including a Republican gubernatorial candidate in the State of Maryland, are looking to class size reduction initiatives to spur education reform.

□ 0915

My colleagues should consider H.R. 3248 for what it is, just one more attempt to do away with the Federal role in education. We should support nonpartisan efforts to improve the quality of instruction for children across the Nation. We should help local schools address education reform at its most basic level, the size of the class and the quality of the instruction.

I urge all of my colleagues to join me in rejecting legislation that dismantles viable, important education programs and support class size reduction substitute of the gentleman from Missouri (Mr. CLAY).

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself 30 seconds. I would like to point out to the gentleman who just spoke that as a matter of fact Illinois will receive an additional $15,960,940. That is Illinois that will receive that additional $16 million. I would also remind the speaker that we do not abandon a commitment to children. We abandon the commitment to bureaucrats. We are intending to make very, very sure that it is children we focus on. I also would remind him that it does not call for a loss in funding. That loss comes if the appropriators appropriate according to the way they said they are. They will not.

He also indicated that maybe there was a loss in Chapter 2 money. There was—under a Democrat leadership in the House of Representatives. I would remind all of them that there is an increase to Illinois of $15,960,000 that goes right down to the classroom to help children.

Madam Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

I love it when our chairman, for whom I have a great deal of respect, gets angry about these things and tries to emphasize how we are going to being better off in actuality, and he really believes that. But we on the other side happen to believe differently.

In the first place, this is not really about dollars to the classroom. How do you get more dollars to the classroom when you cut the appropriation by 16 percent? As far as 95 percent to the classroom, the reality is that all these Federal programs, the administrative cap on them does not exceed 5 percent, anyway.

So what is it really all about? I will tell you. It is really all about block-granting. The block grant concept is the idea of giving flexibility to local jurisdictions. That is fine, too. Except that these programs, in all these 31 programs we are targeting special populations, because locals either for one reason or another, because of budget constraints or because of just no concern for the problem, were neglecting these populations, these special populations. These are national priorities, not local priorities. As a result, we are going to block-grant and give the locals the discretion of how to use the money. Well, that is fine, too, and I could go along with that in certain programs, but in these certain programs where there are special population needs, the problem is that if the local decides that that is not the problem and it is not sufficient and they do not want to address the problem and serve that special population, they are not going to do it.

By the admission of the chairman the other day himself when the gentlewoman from Hawaii (Mrs. MINK) was complaining about that special population program for native Hawaiians, he said, "Hey, look, in this system that we are setting in place, she could have all the money for that program. She could convince her locals that that is the greatest need and they could get all the money." Therein lies the problem. I do not think that the chairman realizes that that very thing might happen and that special populations where we determine their greatest need are not going to get served.

This bill is a shameful attempt to sabotage the Federal support for education. The bill would destroy a number of popular and effective elementary and secondary programs such as the Eisenhower professional development, Goals 2000, school-to-work, comprehensive school program and technology for education by creating this block grant. Repealing these programs effectively eliminates critical programs designed to enhance professional development for teachers, to develop challenging State standards, to expand employment opportunities and to create innovative educational instruction methods.

H.R. 3248 abandons the Federal commitment to target funds to the neediest of children. The Federal Government targets education funds to poor areas at seven times the rate of State or local efforts. H.R. 3248 repeals targeting and allows governors and States to divert limited resources away from needy schools and students.

H.R. 3248 also eliminates accountability for Federal dollars. While existing programs have strong accountability provisions, this block grant gives the States a blank check and fails to provide oversight necessary to ensure quality programs.

Most importantly, H.R. 3248 will cause a loss in educational funding generally. In every case where there has been a block grant, programs put together in a block grant, subsequent appropriators have appropriated less money for that and the programs get less money to deal with the very vast problems that they have. Past efforts to block-grant programs have led to substantially decreased funding levels in education. We should be enhancing our investment in education, not dismantling the Department of Education through budget cuts and block grants.

Finally, H.R. 3248 does nothing to address the real educational priorities such as modernizing our public schools, reducing class size, improving reading and reforming our most troubled schools.

Madam Chairman, later we will offer a substitute amendment to insert the Democratic plan to reduce class sizes. This initiative would enable school districts across the country to hire 100,000 new teachers and ensure that existing teachers have access to the latest and most successful instructional techniques. The goal of the plan is to reduce the class size in grades 1 through 3 to an average of 18.

We all know that small class size means more individual attention to the students. High quality teachers and smaller classes are the key to enhancing student achievement. Rather than adopting phony education reform through block grants, we should move swiftly to hire new teachers to reduce class sizes so that every child in America has a fair shot of succeeding.

Madam Chairman, in the State of California, Governor Wilson, a Republican governor, put forth a program of reducing class sizes and it has been implemented in California. They have found that in implementing that program that there is a tremendous need, new need for a great number of more teachers. In fact, there was a shortage of teachers before. They are having a difficult time reaching that. Then they find out that aside from needing more teachers, they are going to need more classrooms, they are going to need more equipment, they are going to need better trained teachers in the new technologies and all of this. This program does nothing to enhance any of that and still leaves those States like California who had the initiative to reduce class size in the beginning without the wherewithal to be able to provide for those students.

Madam Chairman, our students have the greatest need. I do not think we ought to be politicizing this thing and getting into theories about what might work, but we ought to be working solidly to provide the needs for these students. If we get up and we mean what we say in our speeches that our children are our future, that our children are the most important thing in our lives, then we ought to be working to help them, not hurt them.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Michigan, I say, aha, we just heard one more time, "You can't trust those local people. You can't trust the State."

We are going to give Pete Wilson $24,928,828 more to reduce his class size and to prepare his teachers to teach in those classrooms.

Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), an important member of the committee who will receive in his State an additional $16,756,290.

Mr. UPTON. Madam Chairman, the last time I looked, our school boards were local, they are not Federal. As I look at the decisions that they make, whether it be in curriculum or different programs for the students that they serve in every community, they have a very tough job. They do it very well.

As I look at a number of the programs that have been consolidated, some 31 programs to the tune of a little bit more than $2.5 billion, this bill that we are taking up today allows them the flexibility to use the dollars as they decide. I visited just about every school district in my district over the last year and visit a school virtually every week. I have seen programs work and I have seen programs that have not worked. One of the programs that works I think terrifically is the math and science program that we have across our district. That program is well under way in many areas across the country. Now that it is under way, in the future, if this bill passes, they can use funds that are already in place for something else.

The gentleman before me spoke about reducing the classroom ratio. They can do that under this bill. That is a very admirable goal. My brother is a public school teacher. As a parent, I know the importance of having a small teacher-student ratio. If that is a priority as it should be under this bill, they can do exactly that.

We do not need a Democratic substitute to this bill that solely does that because it is redundant. It is already included in the bill. This bill allows the flexibility for school boards and staff across the country to make sure that the dollars that they are receiving go to the areas that they want to be a priority. They can mix and match. They can take those funds. They are not cut. The reason why virtually every State is going to receive more money is because this bill allows for that.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I am amazed that my colleagues on the other side of the aisle support the Dollars to the Classroom Act. And I am amazed that we hear that the majority of districts will receive more money when the Congressional Research Service has estimated that 27 out of the 50 States will receive less money in fiscal year 1999 under this legislation than they would have under the existing 31 programs that were funded in fiscal year 1998. In fact, some States will lose as much as 68 percent of their fiscal year 1998 funding.

Now, of course I am delighted that California will receive more in this round of appropriations if this is passed. But we cannot count, with the priorities of this Congress on block granting, supporting increased funding when appropriations is cutting education by 20 percent in this year alone.

It truly appears to me that the majority party, not the minority party—the Republicans, not the Democrats—would tell communities how they should spend their education dollars. Education in America has always been a local issue. We know that. I for one think that is the way it should be. But in the communities that I represent, Marin and Sonoma counties, the two counties just north of San Francisco across the Golden Gate Bridge, it is the parents, the educators and the students who join together with local elected school boards to decide how to spend their education dollars. They do not need Washington, D.C., and they do not need Sacramento to tell them what they need.

In my district, the majority of educators and the majority of education funding is spent in the classroom. But sometimes a community needs to spend funds in other ways, such as teacher training activities, educational technology, coordinated services. It will not matter how much money we spend in the classroom, Madam Chairman, unless we have world class teachers and our children come to school ready to learn. We have always relied on parents, educators, and the local community leaders to make local education decisions.

I urge my colleagues to show their trust in the folks back home by voting against the Dollars to the Classroom Act.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Montana, I would point out once again, California will get an additional $24,928,828, right to the classroom.

□ 0930

I just heard the gentlewoman say what the Congressional Research Office said. That is totally opposite what the Congressional Research said. Those are manipulated figures from the department that deal with a budget with an appropriation bill. It has nothing to do with the legislation before us. So let us not mix apples and oranges.

Madam Chairman, I yield 1 minute to the gentleman from Montana (Mr. HILL), who will receive an additional $1,868,822 under Dollars to the Classroom to help children.

Mr. HILL. Madam Chairman, if we listen to the debate on the left, we would think that only bureaucrats in Washington care about the kids, but I can tell my colleagues that there are teachers and parents and school administrators in Montana that care more about the kids in Montana than anyone here in Washington.

The debate here today, Dollars to the Classroom, is a simple debate. It is not a new idea, Madam Chairman; it is about taking dollars from the bureaucracy and giving it to our schools. Cutting the overhead is what we call it in business.

But those who are defending the status quo, the establishment, say that we cannot reform education. They say that we should measure success by how many people we put to work in Washington. They say we should measure success by how many forms we require people to fill out or how many filing cabinets we put them in.

The establishment says that we will measure our success by how much activity we generate. Reformers say, no, that we can measure our success by how well our kids are doing. Our kids can do better and need to do better, and we can do that by trusting local teachers, local school boards and holding schools accountable to their parents.

Sending more dollars to the classroom will begin the process of shifting the emphasis away from Washington to our home towns, to our local schools, and to our kids. I urge my colleagues to support Dollars to the Classroom.

Mr. MARTINEZ. Madam Chairman, I wonder if the gentleman realizes that under this block grant program, his State would lose 12 percent.

Mr. GOODLING. Madam Chairman, I ask unanimous consent that the time I have remaining be controlled by the gentleman from Michigan (Mr. UPTON) for a few minutes in my absence.

The CHAIRMAN (Mrs. EMERSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MARTINEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in strong opposition to the so-called Dollars to the Classroom, which leaves schools with no guarantee that they would actually get any additional dollars.

This bill would distribute education grants based solely on student population, not based on poverty rates, or having a good idea for making a school work, demonstrating success and improving student achievement, or any other criteria. And once the money goes out, we have no way to hold the States accountable for how they spend taxpayer dollars. In fact, there is no accountability that is built into this program.

We need to make sure that all of our American children who attend public schools learn to the high standards, that they have qualified teachers in classrooms who are equipped with up-to-date materials, and our kids are able to attend school in a safe environment.

This bill would accomplish none of those goals. It would repeal 31 of the most effective education programs on the books. Among the casualties, Eisenhower Professional Development Program. This supports teacher training in math and science. School To Work, which helps young people realize their aspirations and to develop career goals. Safe and Drug Free Schools, which gives parents security in knowing that their child is safe when they are in school. All of that would be gone.

If we are truly serious about improving public education, and we must be

serious about improving public education, then we would be talking here today about reducing class size, about putting 100,000 new teachers in grades 1 through 3, not just because of numbers, but because of smaller class size. What it does is it allows for individual attention, it allows for more discipline. It creates better standards.

What we would be doing here today is to say, let us modernize our schools. Let us provide local government with a tax credit that allows them to build schools and new classrooms and to be able to wire their schools up to the Internet to get the new technology that our youngsters need in order that they may succeed for their future. That is what we would be discussing here today, if our goal is to improve our schools and make sure our children learn. This Dollars to the Classroom is spurious, it does not work, it will not work.

Let me just say one more thing. My colleague from Pennsylvania who was in the chair before, and I do not know if this will resume, will talk about those States that are increasing their dollars. Well, my State of Connecticut will lose money, 8.5 percent of dollars, $2.5 million. In addition to which, what is not being discussed here is that in the overall appropriation bill that the committee just passed, all of these programs are cut back by 20 percent, so that this notion that there are additional dollars going to the classroom is really a false promise.

What we need to do today is to vote "no" on this bill and vote for a Democratic substitute that in fact says, let us improve public schools in this country. Let us give all of our kids the break that they need and the opportunity that they need to succeed for the future.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

I would just note for the previous speaker who is opposing the bill that the CRS, Congressional Research estimates will mean at least $1.9 million more than under the current law for all school districts in Connecticut, averaging about $9,300 per school.

Madam Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON), whose school districts in this State would receive at least $2.3 million more under the Dollars to the Classroom act, averaging again $9,300 more per school and $425 per classroom.

Mrs. WILSON. Madam Chairman, I am amazed, amazed at my opponents on the other side of the aisle. The question in this debate and about this bill is who do we trust? Of course the Department of Education in Washington opposes this bill and wants accountability with its reams and reams of paperwork.

I will tell my colleagues who I trust. I trust the teachers and the principals and the school administrators in my hometown to come up with an integrated plan of how we are going to educate our kids. We do not need stovepipes from Washington telling us how to spend those dollars and requiring us to hire administrators to fill out paperwork, to tell bureaucrats in Washington how they spent them. That is wrong.

We can educate our children at the local level, increasing funds to the classroom, and we have seen it work in State government. Get rid of the bureaucrats, and hire the teachers. That is what this bill does, and that is why I am supporting it.

Mr. MARTINEZ. Madam Chairman, I yield myself 20 seconds.

I hope the gentlewoman understands that her State, New Mexico, loses 20 percent under this bill.

They all talk about us on this side wanting to micromanage and tell the locals what to do. Well, on those particular means of those special populations, we are telling them what to do because they were not doing it. But if we want to talk about micromanaging, look at the bill, read the bill. The bill has so many instances where they tell exactly the school districts what to do, that they know best in this bill.

Madam Chairman, I yield 4 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I thank the gentleman for yielding me this time.

This is not about Dollars to the Classroom, this is about eliminating programs that have been created by previous Congresses that target funding to the local communities, local educational systems to the States for specific purposes. Make no mistake about that. It is the elimination of these important programs.

Just take a look at the list that is prepared for us in the committee report. Title I, school-wide programs. Goals 2000. We know that the majority does not like Goals 2000. Why do they not just come forward with a straightforward bill to eliminate it. Instead they talk about Dollars to the Classroom and in the bill is the elimination of Goals 2000. School To Work is also on the list. Eisenhower Professional Development. Every one of the majority members of our committee talks about the importance of teacher training, and they are eliminating Eisenhower Professional Development. STAR schools, magnet schools, gifted and talented, arts and education, civic education, and all of these very, very important things. They have taken the funding, lumped it all together in a $2 billion program and given it to the States.

There is no assurance that the States or the governors or anybody that will be handling the distribution of this money will send these Dollars to the Classroom. There is nothing in the bill that requires the State agencies or the State government or whoever is going to distribute the money to put this money into the classrooms. So it is a fraud. It is a basic effort to try to eliminate these important programs.

The bill will change the whole nature of education funding where we have built into it accountability. As the previous speakers on this side have pointed out, accountability is very important. The distinguished chairman of our committee gave a passionate speech on the floor earlier this week about the need for quality and accountability in Head Start, and yet here today we are debating a bill that virtually eliminates all accountability in the 31 education programs that are included in this block grant.

The programs that are listed are basically geared to disadvantaged children. We have no assurance that the disadvantaged in our communities are going to be better served.

The idea that this bill is eliminating Federal bureaucracy, and that is why we have to block grant it to the States, is a complete fraud. Every person that has testified from the Federal Government about the amount of administrative monies that are going into the management of these programs will tell us that the U.S. Department of Education spends no more than 2 percent of the Federal budget for administrative purposes. So 98 percent of the funding is going to the States for the purposes that are outlined in these 31 eliminated programs.

Look at the programs and we will see that some of it is not classroom designated, but that is not the fault of the Federal Government. It is for teacher training, counseling and all of these other things. So that is an absolute misstatement.

The second thing I have heard over and over is that there are 760 education programs, and the Federal Government therefore has this huge, mountainous bureaucracy. Let me correct the facts. The U.S. Department of Education has only 183 programs out of which only 102 are in the elementary secondary level. So we are talking about 760 programs that are in the NIH, in Commerce, in Agriculture, in Interior, in all the other areas of government, but not the U.S. Department of Education.

So we are mixing all sorts of rationale for this very, very devious effort to try to eliminate the whole concept of Federal aid to education, and I urge this House to defeat this bill.

Mr. UPTON. Madam Chairman, I yield myself 30 seconds.

I would just note to the previous speaker that these programs are not eliminated. They continue. They will continue in Hawaii, they will continue in Michigan, they will continue in Ohio. We just changed from Father Knows Best in terms of the Federal Government to the local schools are

going to decide what is best for those students, and that is where those dollars are going to be utilized.

I would note to the gentlewoman from Hawaii that under this bill, the authorization bill that Hawaii is going to get $1.8 million more under this program which accounts for about $9,300 per school and $425 per classroom.

Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), whose district will benefit from this program.

Mr. BOEHNER. Madam Chairman, I thank the gentleman from Michigan for yielding me this time, and I congratulate the gentleman from Pennsylvania (Mr. PITTS) and the committee for bringing this bill forward.

This is common sense reform, taking 31 programs of the Department of Education, consolidating them and block granting the money back to the States. They have made sure that we have held States harmless from losing funds, so every school in America will benefit as a result of this.

But as I have listened to this debate this morning, it conjures up memories. Memories of the debate that we had over welfare reform in this House for years. The debate was never over money; the debate was always over who was going to reform welfare. Were we going to continue the Washington Knows Best mentality and try to reform it from Washington, or were we going to send these programs back to the 50 States, the 50 laboratories of democracy, and allow them to reform welfare, to meet the needs of the people in their States.

□ 0945

We did it. The President signed the bill on the third try.

What has happened? We have had a 50 percent, almost 50 percent reduction in case loads in welfare all around the country. We have got another opportunity here today to move power and influence away from Washington back home to States, local communities, and, in this case, most importantly, to parents of children who attend school.

The question over how we are going to reform education and how we are going to ensure that our children get a better education is the essence of this bill. We have got one side of the aisle that wants Washington to continue to mandate on the States, mandate on local schools what should happen, make those decisions here.

We on the Republican side say no. Let us trust parents. Let us trust the teachers and our local communities to make those decisions about our children's future at home where those decisions belong.

This is a great piece of legislation. Let us support it.

Mr. MARTINEZ. Madam Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 9 minutes remaining, and the gentleman from Michigan (Mr. UPTON) has 13 minutes remaining.

Mr. MARTINEZ. Madam Chairman, I would prefer if the other side went so we can even out the time, and I reserve the balance of my time.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from the great State of Michigan (Mr. SMITH) whose district will benefit from this.

Mr. SMITH of Michigan. Madam Chairman, as I have been down here since 1993, I see one danger, and that is many people in Washington tend to become elitists. They study a problem. They think they can solve that problem better than anybody else in the world even if it is a local problem.

In this case, we have come up with many decisions on how the Washington money has to be spent as we send it back to local schools and to the States. So we say, look, here is some money to build a roof, but you can only use it for roof building. Here is money for the Internet and wiring for the Internet, but that is all you can spend it for. If you have already put in that kind of technology, tough luck.

This bill moves that decision making from Washington back to teachers, back to parents, back to that local school board. Anybody that believes that those solutions that are closest to the problem have the best chance in success of solving that problem are going to support this kind of legislation that gets 95 percent of the money out of Washington, gives it back to the classrooms where we can use it to teach students to the best of the ability of those parents.

Mr. UPTON. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY) whose district will receive $31.5 million more under this program.

Mr. DELAY. Madam Chairman, I appreciate the money. I am rising in support of this common sense legislation and urge my colleagues to vote for it.

Today we have a simple choice. We can give more money to teachers and classrooms to help students learn, or we can give more money to the Washington bureaucracy.

So if my colleagues are in favor of improving education in this Nation, they will vote for this piece of legislation. If my colleagues are in favor of expanding the Washington bureaucracy, they will vote against this legislation.

The American people believe that education is best handled at the local level, not in Washington. This legislation gives our teachers and school boards help without giving them unfunded mandates.

Make no mistake about it. This legislation is a winner for our Nation's schools. Under this bill, no school districts would lose money. This bill signals and shows how Federal education dollars can be delivered to our Nation's schools. It will send more dollars directly to the classroom while giving States and local educators more funding options.

School districts could choose to put greater amounts of Federal money into priorities such as school technology, teacher improvement, and school reform.

Madam Chairman, I ask my colleagues to vote for this legislation and vote to really improve education in this country.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am sorry, but I disagree with the previous speaker. The fact is that States will lose money on the reduction of the appropriation bill. Hawaii will lose $77 million. As a matter of fact, they realize it because they put it in the bill; that "if the amount allocated to a State to carry out this title for any fiscal year is insufficient to pay the full amounts that all local education agencies in such State are eligible to receive under paragraph (2) for such year, the State shall ratably reduce such amounts for such year." They knew that the money was going to be reduced.

Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Chairman, I will try and talk as fast as I can in 2 minutes on what I have heard just since I have been here on the floor.

My colleague, the gentleman from Texas (Mr. DELAY), he and I share Harris County. I know if he gets $31 million, I know where he is taking it out of. He is taking it out of inner city schools like I represent.

The gentleman from Texas (Mr. DELAY) represents a very suburban district. If that is the intent of this bill, and that may very well be happening, then that is a great reason to oppose it.

Let me talk a little bit about the title of the this bill, the truth in taxation is truth in Dollars to the Classroom. The truth in the labeling in this bill is something we should have, because if it actually sends dollars to the classroom, how come the report I see from my folks in Texas show that we are going to lose $17 million, 9.3 percent of the programs that are allocated under this to the Dollars in the Classroom? So I think maybe the numbers are incorrect.

This is just a continuation, Madam Chairman, of what I have seen in the last 4 years. In 1995, we saw an effort to eliminate the Department of Education, attack on school lunches, the effort just last week to have Federal Government tell local States what to do with bilingual education even with State money and eliminate safe and drug-free schools.

So what we are seeing now is under a false labeling, Dollars to the Classroom. We are seeing an effort to block grant a great many Federal funds. Eighty-five percent of the Federal funding for education goes to 12 key programs, Title I, Pell Grants, IDE, Individuals with Disabilities. That is where most of the money is at. That is in these programs, not in the programs they are talking about, although these are impacted by this.

So, again, the block granting to States would probably benefit districts like my colleague, the gentleman from Texas (Mr. DELAY). I represent a very inner city district; 60 percent minority population. Most of the students are minority. They are either poor or they have language needs that need to be addressed.

What we are seeing in this bill is the taking away of the urban needs where this targeted money goes to and sending it to the suburbs. That should be a State decision, but let us not give them Federal money to make that State decision.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

Madam Chairman, I would note again there is no elimination of programs in this bill and that the State of Texas under this bill would get $31.5 million more.

Madam Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. JONES) whose district in his State will receive more than $4 million.

Mr. JONES. Madam Chairman, Dollars to the Classroom will free up $2.7 billion of the taxpayers' money so that dollars can go directly to the schools. If we truly want to make a difference in education of our Nation's children, the Dollars to the Classroom Act is an important step forward.

Under this bill, education decisions will be made by the parents, the teachers, communities who best know our children and who together hold the key to strengthening our schools.

My State of North Carolina will receive additional dollars. I can assure my colleagues that those dollars will be better spent by the people of North Carolina than the bureaucrats in Washington, D.C. Madam Chairman, if we want to truly educate our children, we need to return our tax dollars to the classrooms where it can truly make a difference.

Madam Chairman, in closing, if we want to help our children, we need to vote for Dollars to the Classroom, give it back to the parents, give it back to the communities, and help education in America.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, everybody loses in this bill. This is not a bill to invest in American education, the kind of new investment we need. This is a bill to move money around. This is a Houdini bill. This is a swindle. This is a con game brought to us by the people who wanted to abolish the Department of Education in 1994. They wanted to reduce education funding by $4 billion in 1995.

This is another way to do the same thing that the voters have already rejected. This is an abolishment of Federal authority in the area of education. Already the States have most of the authority. We only have 7 percent of Federal expenditures, therefore, Federal's influence and control can be no more than 7 percent.

The other 93 percent of the authority to make decisions, the authority to have our education system is in the hands of the States already. If education is in a bad state, it is because the States have made it so. Giving them more money from the Federal Government will not help the matter.

When World War II started, we were unprepared to fight a war. The draftees were in bad health from across the country from various States because the States had neglected them. Their health was poor. We had to have Federal intervention to deal with that.

We were approaching the 21st Century, and we are not going to be prepared for global leadership because we are not allowing the Federal Government to exercise the minimal influence that it has been exercising to try to improve education in the States.

This is a con game. These are Houdini experts. The public I think is smart enough to understand. There is no new money here. The people who wanted to abolish the Department of Education and the Federal authority of education have taken a different route.

We need a major investment in education for school construction. We need a major investment for technology. We need a major investment to reduce class sizes by having more teachers. We need to do those things and do them right away in order for us to keep pace with the kind of leadership role that we have in the world at this point.

We are at a pivotal point in our history. Yet, we are trivializing and almost making a joke of the whole responsibility that we have. My colleagues are playing around with something that is very vital to the national security. This is a swindle.

Mr. UPTON. Madam Chairman, I yield myself 20 seconds.

Madam Chairman, I would note again that reducing class size is an eligible activity under this program, and the State of New York, under this bill, would get $13 million more than current law.

Madam Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), a member of the committee whose State would receive $16.8 million more.

Mr. PETERSON of Pennsylvania. Madam Chairman, I want to thank the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Pennsylvania (Mr. PITTS) for bringing this issue forward.

This is not a swindle. The Federal Government provides 7 percent, I have been told this many times, 7 percent of the money and 70 to 80 percent of the paperwork. They are the bureaucracy that stifles our system.

This is about more teachers, less bureaucracies. This does move money around from the bureaucracy to the classroom. How do we do it? How do we put $800 million in the classroom and $9,300 per school to $425 per classroom with no school getting less? Because there are 31 Federal programs who have 31 managers here in Washington and their staffs. That is 50 States. That makes 1,550 program managers, because every State has to have one, and all of their staffs.

All the thousands of grant riders that have to go through all the Federal paperwork to get this money for our schools. That is where the money comes from. There is not one grant rider, there is not one bureaucrat that enters the classroom. Urban, rural, and poor districts often do not even apply.

Seven percent of our money comes from Washington in education. Many of my districts get zero to 2 percent. The Federal grant process is difficult. Dollars to the Classroom makes good sense. A Federal program manager, State program managers, grant riders, they do nothing to raise the quality of education in this country. But dollars in the classroom will make a difference without raising taxes.

Mr. MARTINEZ. Madam Chairman, I reserve the balance of my time.

Mr. UPTON. Madam Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. UPTON) has 8 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 4½ minutes remaining.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. HILLEARY), a member of the powerful Committee on Education and the Workforce.

Mr. HILLEARY. Madam Chairman, as an original cosponsor of H.R. 3248, Dollars to the Classroom Act, and a member of the Committee on Education and the Workforce, I am proud to say I have already been able to vote in favor of this essential legislation that improves the quality education our children receive. It will be the States, not the Federal Government, that will direct these funds to the classroom.

As a Tennesseean, I trust my State's ability and the people there to help our children much more than a bureaucrat in Washington who has never even set foot on Tennessee soil. In addition, the States must ensure quality by directing 95 percent of these funds to the

classroom. They can not and will not be able to divert funds to other areas and State projects. This translates into more supplies, more computers, more teachers, and higher teacher salaries.

□ 1000

I want to stress also that all the additional money will not have the strings that are attached to Federal education dollars at the present time. Right now, if Washington says to spend the money on cafeteria silverware, a school system must spend it on new silverware, even if there is plenty of silverware at that location. Thus, even if that school desperately needs more teachers, more computers, or more textbooks, they would have to waste these Federal dollars on more knives, more spoons, and more forks.

Dollars to the Classroom allows local and State educators to put the money where it belongs. Let us do what is right by our children. I urge my colleagues to support the Dollars to the Classroom Act.

Mr. MARTINEZ. Madam Chairman, I reserve the balance of my time.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT), whose school district in his State will receive at least $8.3 million more under the act.

Mr. BLUNT. Madam Chairman, I thank the committee for bringing this bill to the floor. I think the fundamental point here is that no school district has to lose money or will lose money under this bill. This is not about school districts losing money. This is about bureaucrats in Washington losing money. This is about bureaucrats at the State level losing money. This is not about school districts losing money.

Those people who say this money is going to go from one school district to another are not reading the bill the way the bill has to be read. This is the difference in whether 95 cents out of every education dollar gets to the classroom, or 65 cents out of every education dollar gets to the classroom.

This is clearly not something that people who are in favor of the bureaucracy growing would want to be for. It is clearly something that people who are for money being spent in classrooms, on teachers, on education should be for. This is about a teacher who knows every student's name having more to say about how the money is spent. This is about districts that now may not qualify for all 31 of these different grant programs, but is a district that gets to qualify for money, they get to use the money in the way that they understand is best for their district.

Even the opponents of this bill concede that the Federal impact they say is minimal. Well, the minimal impact is not what does the job. What does the job is making education work. It is involving families more in the process. It is involving teachers more in the process. It is involving the local building administrator in the process. It is figuring out what can be done for those kids at that school on that day with 95 percent of this money.

Mr. UPTON. Madam Chairman, may I just inquire how much time we have remaining on our side?

The CHAIRMAN. The gentleman from Michigan (Mr. UPTON) has 5 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 4½ minutes remaining.

Mr. UPTON. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON) who serves on the Committee on Economic and Educational Opportunities, whose State would get $31.5 million more.

Mr. SAM JOHNSON of Texas. Madam Chairman, whether we are talking about education savings accounts, opportunity scholarships, or block grants, what this is all about is who should benefit more, bureaucrats or children. Unfortunately, there are those who would prefer to see a bureaucrat get a paycheck rather than see a child get an education.

This act provides more money and greater flexibility to the States so that local officials can decide how to spend these funds on their schoolchildren. Opponents say States cannot be trusted with such a responsibility. Apparently they have forgotten that the Founders of this Nation placed the responsibility of education with the States, not the Federal Government. The Founding Fathers trusted their States, and I trust the Founding Fathers.

Opponents also say this bill cuts the amount of money that will go to public schools. That is simply untrue. Millions of dollars extra, additional dollars, go to public school classrooms. The reality is that this bill reduces bureaucratic meddling, increases flexibility, increases funding, and ensures that more resources are spent on our children.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the last two speakers spoke about money going to bureaucrats. The money we are talking about does not go to pay bureaucrats' salaries, it goes to help needy children. What we are talking about here is not money for bureaucrats, but money that is going to be denied children for special programs.

Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I have heard more rhetoric going around here in the last hour or so than I think is warranted by this particular subject. If we were serious about improving educational opportunities, this particular subject matter would have come up during the course of regular deliberations over the Secondary and Elementary School Act reauthorization, which is going to be next year.

The fact of the matter is every time our colleagues on the other side stand up and tell us how much money is here for every State, what they are really telling us is they are authorizing a certain amount of money. But the fact of the matter is they are not appropriating that amount of money.

What does history show us when things get block granted? Its shows us this is all about the "Contract on America" theory that if they block grant things, they can eventually defund them. No matter how much is authorized to be appropriated, in the end, when it comes to be appropriated, it has been reduced.

That is what happened under Title 6. Programs were put in a block grant and they were defunded over time. It is what happened in other areas of community service block grants in different communities, and it happens over and over again. It is part of the theory of putting them in a block grant, defunding them, and moving the money to some other priority.

Madam Chairman, our priority on this side of the aisle is education. We do not need to be throwing programs like technology training, programs to combat illiteracy, programs for gifted and talented children, education reform projects into a block grant so that we can lose accountability on them and fail to track whether or not the money is actually being spent in that regard and doing a good job, and then eventually having the focus shifted so they get defunded.

We need to make sure that we do what the Federal Government has always done, provide the resources that are requested by local and State governments. It is the job of local and State governments to do the general, operational task of education. That is why they have 94 percent of the responsibility and they take it that way. The 6 or 7 percent of monies that are spent from the Federal resources on elementary and secondary education are targeted to programs where a request has been made that money comes down from the Federal Government for assistance. That money is for reform projects, it is for illiteracy projects, it is for technology and for teachers.

If we want to move forward, we will remodel our classrooms and make sure that we have more teachers in the classroom, and we will not set up a structure to defund education.

Mr. UPTON. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH) who is on the Speaker's Task Force on Education Reform, and whose State of Florida receives $3 million more under this legislation.

Mr. SCARBOROUGH. Madam Chairman, despite all the heated rhetoric today, there are some stubborn facts that cannot be denied. First of all, Dollars to the Classroom requires that 95 percent of the funds go into the classrooms where my two boys attend public school in Florida.

Passage of this bill will mean an additional $800 million to local schools, $9,300 per school for my two boys and $425 per classroom for my two boys in public schools.

This class warfare argument that we are hearing today really hides a simple elementary fact and that is that the state of modern American liberalism in 1998 believes that local communities, that parents, that my boys' teachers, that my boys' principals, are too stupid or corrupt to educate my children. That is an offensive fact, and yet that is a fact that has lain at the heart of liberals' arguments in this country for the past 60 years.

It is time we get past this and ask a simple question, and that is: How do we get the most money to teachers? How do we get the most money to local school boards? How do we get the best education to not only my boys, but to those people that come from inner cities?

If these liberals were so interested in helping students in inner cities, then why would they continue to fight choice when the majority of people in inner cities want to be able to choose what schools their children go to?

Madam Chairman, with the passage of this bill, we ensure that States and local communities can look at each school's problems and assess them on an individual basis and make sure that every child in America has the opportunity to grow up in a country where they have a chance to pursue the American dream with an American education.

Mr. UPTON. Madam Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. GOODLING) be allowed to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

I do not know why we have to get into this name calling about this is a "liberal idea." This is not a liberal idea. This is about kids and their education.

Madam Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Madam Chairman, this bill before us, this so-called Dollars to the Classroom bill, really sends the wrong message about our responsibilities to improve public schools and would weaken our national commitment to education.

It would eliminate 31 elementary and secondary education initiatives and then block grant these programs for the Governor of each State to decide how the money is spent. Among the programs eliminated: After-school programs that give kids alternatives to crime and violence; technology grants to help prepare the schools for the 21st century; drug and violence prevention initiatives that are crucial and needed right now.

The proponents of this bill cannot guarantee that a single dollar would be spent by any State on investing in these programs or technology.

We need to reject this smoke and mirrors of the funding in this bill. Just because the authors of this legislation would authorize a higher level of funding and throw around the increased figures does not mean this Congress will appropriate at that level.

Madam Chairman, we need to scrap the rhetoric. Look at the 1994 independent General Accounting Office study. It says of all Federal funds allocated through State education agencies, 98 percent reach the local level. We want local school districts, local communities to make decisions. This month alone, 10 school districts in my district in Northern Wisconsin, little towns, Niagara, Rhinelander, got an $800,000 technology grant to enhance distance learning. The idea for this project was entirely locally driven. It will be carried out locally, yet it can only happen with a strong national commitment to education. That is the local innovation and it is a national commitment we are looking for. This bill takes us in the wrong direction.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I wanted to remind the gentleman from Massachusetts (Mr. TIERNEY) that as a matter of fact, the only time any block grant money was cut, it was cut by the Democrats, Chapter 2, not by any Republicans.

Madam Chairman, I yield 1 minute to the gentlewoman from Washington (Mrs. LINDA SMITH), who will receive an additional $1,229,000 for her local classrooms.

Mrs. LINDA SMITH of Washington. Madam Chairman, I think we are standing here today debating a philosophy of who we think knows best for our children. For me, is it bureaucrats 2,500 miles away from the classroom or is it the teacher, the parent, the superintendent, and the community? I am going to bet that the people in my State believe it is their families that know best, and I believe that this measure moves us closer to that.

Now, it is not hard to know what my people want, because for 2 years I had a task force of public schoolteachers and the bottom line was this:

They said, do not give us any more regulation. Get rid of the Federal programs. Get rid of the paperwork. The Federal Government is making us spend all of our money on administering Federal programs and Federal paperwork. Just give us back the money.

Well, I trust the teachers in my district, in my State, more than I do the bureaucrats, too. This just simply says instead of us administering, managing, mandating education from here in Washington, D.C., we are going to give 95 percent of that back to the classroom.

I will tell my colleagues that my grandson's teacher can use that $400 a lot more than a bureaucrat can here in Washington, D.C. This is a great bill and I commend it to the body.

Mr. MARTINEZ. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I do not think that the gentlewoman's grandson's teacher will get that money, because her State loses 16.5 percent.

In closing, I want to say that I know there are compassionate, reasonable people on that side of the aisle that have great sympathy for some of these 31 programs that are being cut. I want them to understand that in the bill, under section 107, every one of those 31 programs are repealed. That is what the section says: These programs are repealed. Which means that under a block grant, they may or may not provide that.

The other side talks about wanting to tell the locals that we know best. In the other section it does not say "may" in the use of those funds, it said "shall." "They shall," for these 27 ideas, use the money for these ideas. And they run the gamut of anything we can think of, including some things that can be interpreted to be using money that really does not go to the educational need, especially of those special populations.

Madam Chairman, I wonder who is telling the locals what to do? Who is micromanaging? Who is being a liberal, us or them?

Mr. GOODLING. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS) who worked so hard for 2 years to try to save children rather than bureaucrats.

□ 1015

Mr. PITTS. Madam Chairman, the liberal Democratic philosophy seems to be based on the Federal Government knows best. We believe that the States, the local teachers, not the Federal Government, should be making the decisions.

This bill does not hurt poor kids. None of the programs for poor kids go away. It only goes away for bureaucrats. Perhaps the gentleman believes that having bureaucracy eat up 35 percent of our Federal funds is effective. I do not.

We can use these funds for all the programs listed, and we make them

much more effective by requiring 9 percent to get to the classroom.

I want to read just a portion of a letter from the Missouri State Teachers Association that represents 41,000 members. They have always made local control a major tenet.

They say, the history of Federal programs has been one of bureaucracy and red tape. The application of the common sense approach to assist the needs of the local community's public schools has been handcuffed by Federal Rules, regulations and excessive administrative overhead. Freedom of choice is what we support.

Mr. GOODLING. Madam Chairman, I yield myself the balance of my time.

I want to close by making sure, again, that everybody understands we are not talking about what the committee may have done in relationship to appropriations. That has nothing to do with this legislation. Those are the figures that are being presented by those lobbyists downtown both in the department and those lobbyists who want to protect their downtown bureaucracy and those who want to protect the bureaucracy back in the State. We are not talking about those figures.

By the time my senior Senator is finished and they are finished with conference, the amount of money for education will be up, not down. No matter what the appropriators do, there will be more money to your individual classroom through this legislation, no matter how much they may cut. It is important to remember that.

Mr. BARR of Georgia. Madam Chairman, I rise today in support of the Dollars to Classroom Act. Each one of the members of this chamber has visited numerous schools located in their Congressional District. On each of those visits, principals, teachers, parents, and students, each have approached us saying if we just had a little more funding we could do so much more. Today the House of Representatives is going to do more.

Today we start sending dollars directly to the classroom; what a novel concept! For the first time in 30 years, we are beginning to take meaningful steps in improving our educational system.

The Dollars to Classroom Act will eliminate block grants. Which in turn will improve the current education system by eliminating federal bureaucracy and by redirecting federal education dollars to our nation's schools.

This legislation will allow states and local educators to gain more funding options and a wide array of flexibility in receiving federal funding. The schools in each and every Congressional District will reach your classrooms faster and will be used more effectively.

When I travel throughout the Seventh Congressional District of Georgia, I meet parents and teachers and I know these individuals realize what steps need to be taken in educating their child. Our schools need new construction, and our children need new computers. The list of needs is great and the resources are scarce.

What better way to give to America's future than sending 95% federal funding directly to the classroom. The additional funding will provide a better education for children who some day in the not to distance future will be the leaders of this nation.

Ninety-five percent of all the dollars a school district receives will be spent on children in the classroom. This bill is a definite turning point for education. H.R. 3248 takes a scissor to the bureaucratic red tape.

The Dollars to Classroom Act puts children first by sending education dollars directly to the classroom. Madam Chairman, I urge my colleagues to support this important piece of legislation for the sake of our children and for the sake of education across this country.

Mr. RODRIGUEZ. Madam Chairman, Dollars From the Classroom is a more appropriate term for this bill. There is no doubt that we want to ensure all of our children access to quality education. But block granting these 31 proposed programs will do nothing to enhance the quality of education—only harm it.

A recent GAO study of Federal and State education financing patterns found that States overwhelmingly are less likely to focus state directed education funding on low-income students than are programs with funding that is federally directed.

What this bill does for schools that have low-income children is put them at a disadvantage. For example, one of the provisions in H.R. 3248 eliminates the existing requirement that 50% of a school's enrolled children be from low-income families in order to conduct a schoolwide program under Title I. School districts like mine need this 50% threshold in order to ensure that schools that have significant levels of poverty are able to conduct total school reform. We have these requirements because poor school districts have traditionally been underserved and the children often undereducated.

Reforming a program like Title I without even having committee hearings is completely irresponsible. If we really want to expand the Title I program, let's wait until the reauthorization of ESEA, when a greater number of individuals can have the opportunity to give this full consideration. This has been the problem with many of our education bills that have come to the floor this session—attempts to rework ESEA at an inappropriate time.

I urge my colleagues to vote in favor of fairness and vote against H.R. 3248.

Mr. FAZIO of California. Madam Chairman, I rise today in strong opposition to H.R. 3248. It is a flawed approach to education funding, and it will take money from students who should be the focus of any education legislation. Coupled with the crippling funding cuts to education currently included in the Labor, HHS, Education appropriations bill, H.R. 3248 will achieve a loss in "dollars to the classroom" in every state in the U.S.

The bill completely eliminates states' accountability for the spending of education dollars. If adopted, this bill would give hundreds of millions of dollars a year to the state education departments with no way to account for which dollars are actually spent in the classrooms. In fact, federal programs currently provide a much larger percentage of their funding to classroom activities than state and local education programs.

Many have argued that this bill would cut down on the bureaucracy involved in allocating federal educational funds, but we will instead be creating or enlarging 50 state bureaucracies.

Federal educational funding represents less than 10% of most states' educational funding, and it has traditionally been targeted at poor or otherwise disadvantaged students. We have long shied away from giving general federal aid to schools and instead tried to make federal educational funding have a real impact.

In the last few years, we have already increased the flexibility of federal educational funding by combining similar programs and allowing statewide waivers to federal requirements on a trial basis in the Goals 2000 act. We should continue our successful efforts at making federal educational funding more flexible for the states, but we should not embrace a wholesale dilution of federal educational priorities.

Education professionals across the board—teachers, principals, and administrators—oppose this bill. These individuals who have devoted their lives to helping children know that this bill would actually harm many children throughout the United States. Education professionals agree that the most important education issues we should focus on are those that actually benefit the students—well-qualified teachers, small class sizes and school modernization. This bill actually cancels a number of teacher training initiatives, initiatives that will almost certainly not be replicated at the state level.

National educational standards go hand in hand with teacher training in helping students achieve excellence and the ability to compete successfully with students from all over the country. Since its inception—originally proposed by President Bush—Goals 2000 has helped local school districts set priorities to allow their students and teachers to achieve excellence. This bill would cancel the Goals 2000 program.

I urge my colleagues to keep the best interests of the children of our nation in mind and oppose this ill-conceived measure.

Mr. CASTLE. Madam Chairman, today the House is voting on H.R. 3248, the Dollars to the Classroom Act. I will support this legislation today, but I believe that the legislation must be improved in a number of key areas before it can become law. I would like to take this opportunity to explain the reservations I have regarding the bill in its current form. If these issues are not addressed, I will not support the bill if it is returned by the Senate for a final vote this year.

First, let me say that I support the goal of this legislation. We must work to ensure that all federal education assistance directly benefits our children. These funds should not be

wasted on unnecessary bureaucracy. However, achieving this goal is not simple. I am very interested in finding ways to streamline federal programs and bring more efficiency to the Federal Government's role in education. I do not support the status quo and I do not believe that what we have now is working. The concept of Dollars to the Classroom gives us a new option for making changes that may benefit students in the country.

I have struggled for some time in trying to determine if this legislation will achieve its intended goals. I have supported moving the bill through the legislative process while working with Committee staff and other Members to resolve my initial concerns. After a lot of careful thought, and after reviewing analysis from many different sources, I think the fundamental concept of Dollars to the Classroom is worth advancing while we work to answer key questions before it can become law. This may not occur this year and probably should not. There is not much time left in this session for the Senate to pass the bill and to work out all remaining issues. This bill establishes the principle that more federal dollars must directly benefit our children. We should now work to ensure the legislation achieves this principle. It may be best to address these issues comprehensively next year when Congress must reauthorize the Elementary and Secondary Education Act.

As I noted, there are several unanswered questions raised by the legislation. One that must be answered is exactly how much money is going to go to the states and local districts. We have a number of estimates, but we don't have hard numbers. My view is that additional work must be done to understand how current levels of funding will be changed by the Dollars to the Classroom Act. To help you understand my concern, I have attached two charts, both prepared by the Congressional Research Service (CRS). The first chart raises some questions. It takes the Fiscal Year 1998 funding level and compares it to the amounts a state would receive if the money was put into this block grant. You'll notice there are differences in how much money each state gets. I was elected to represent the people of Delaware, and when I see a chart from CRS, the nonpartisan research agency for the Congress, saying that the State of Delaware could lose 13.2% of its education funding, it concerns me greatly. Now, I am not going to argue that these numbers are perfect, they are estimates. However, they raise the legitimate question that some states may receive less funding in total under this legislation. The second chart that I have attached, is a comparison of how much the Local Education Agencies would get, using Fiscal Year 1998 numbers, before and after the block grant. This chart is more encouraging. Delaware wins by a slight percentage and most districts do not lose, but again there is variation in these numbers. I have been assured by the Chairman that he will work with me to ensure that Delaware is treated fairly in this legislation.

We need to sit down and look at this data and understand how funds are going to flow so that we can't be absolutely sure that any change in funds is truly for the benefit of our children. I want more dollars in the classroom, but I will not support final passage of this legislation unless I am convinced that it will benefit the children and schools in Delaware.

In addition to the funding process, we should review the 31 programs included in the block grant to be sent to school districts to ensure that no important aspect of the specific programs will be lost. Let me give you an example. The Comprehensive School Reform program involves a very important—in fact crucial—research component. States and locals do not have the capacity to do research and disseminate research like we do at the national level. They simply don't have the capacity. Does this mean that we want to sacrifice the research being done in this program? I think we need to consider that as part of the process of evaluating this proposal and we have not done that. The same principle applies for the Eisenhower Professional Development program and possibly other programs included in this block grant. The fact that some of these programs contain research and national components indicates that we must review them more closely to ensure we retain aspects that help improve education for our children.

The final area that I want to address is the accountability measures included in this proposal. They have been improved, but need to be further strengthened. We need to ensure that the accountability measures are very strong. Let me give you an example. Yesterday, Congressman Roemer and I introduced a bill to expand the Ed-Flex demonstration projects to all 50 states. This makes sense to me. Our bill is based on a strong program currently available to only 12 states. Ed-Flex allows states to waive burdensome regulations that interfere with the schools' main purpose—to improve academic achievement. This is flexibility, but it is flexibility with accountability. In order to be eligible a state has to have approved content standards, performance measures and assessments. In addition, to be eligible for an extension of a waiver, schools have to establish procedures for increasing the percentage of teachers in the state who have demonstrated subject matter knowledge and pedagogical skill necessary to provide effective instruction in content areas, while decreasing the percentage of teachers without such knowledge in high poverty schools. This is accountability in combination with flexibility. I encourage my colleagues to join Mr. Roemer and I in encouraging responsible flexibility.

I strongly support the goal of making every federal education program more effective. Every dollar we spend should benefit our schoolchildren as directly as possible. The Dollars to the Classroom bill is a reasonable start. It is not perfect and this legislation must be further refined to ensure that it meets its intended goal. I will work to improve the bill if it receives further consideration this year, but I believe the best strategy would be to address all federal K–12 programs in the context of reauthorizing the Elementary and Secondary Education Act in 1999. I look forward to actively participating in that effort.

TABLE 11C.—ESTIMATED STATE ALLOCATIONS UNDER H.R. 3248, AS ORDERED TO BE REPORTED, COMPARED TO ESTIMATES PREPARED BY THE U.S. DEPARTMENT OF EDUCATION (ED) OF FY 1998 GRANTS UNDER ALL PROGRAMS PROPOSED TO BE CONSOLIDATED UNDER H.R. 3248

[H.R. 3248 Estimates: An Amount Equal To FY 1998 Allocations Under Formula Grant Programs To Be Consolidated is First Allocated To Each State. Next, Remaining Block Grant Appropriations (Assumed To Be Equal To $2.74 Billion Minus the Formula Grant Portion) Are Allocated With 50% in Proportion to ESEA Title I, Part A Grants And 50% In Proportion To Population Aged 5–17. Grants Are Estimated At The Maximum Authorized Level For FY 1999.]

[ED Estimates of FY 1998 Grants: Include Actual Or Projected Grants Under All Programs Proposed To Be Consolidated. For Grants to Entities That Provide Services Nationwide, Funds Are Spread Among All States, in Proportion To Population Aged 5–17, Data Were Received From ED On Sept. 15, 1998.]

State	Total estimated grant under H.R. 3248 at FY 1999 authorized level	ED estimates of total FY 1998 grants	Percentage difference
Alabama	$43,427,000	$37,847,464	14.7
Alaska	10,396,000	21,791,724	−52.3
Arizona	42,557,000	39,586,425	7.5
Arkansas	26,450,000	21,687,428	22.0
California	315,580,000	298,178,752	5.8
Colorado	31,706,000	31,361,652	1.1
Connecticut	27,552,000	30,118,669	−8.5
Delaware	10,134,000	11,672,901	−13.2
District of Columbia	10,009,000	29,603,406	−66.2
Florida	126,307,000	120,603,903	4.7
Georgia	72,595,000	62,047,160	17.0
Hawaii	11,295,000	34,723,242	−67.5
Idaho	12,016,000	13,038,722	−7.8
Illinois	118,597,000	106,357,682	11.5
Indiana	48,734,000	47,454,205	2.7
Iowa	23,036,000	38,284,832	−39.8
Kansas	23,464,000	23,615,556	−0.6
Kentucky	42,372,000	37,141,163	14.1
Louisiana	59,024,000	62,317,031	−5.3
Maine	12,505,000	12,142,653	3.0
Maryland	42,122,000	43,739,157	−3.7
Massachusetts	53,801,000	59,841,778	−10.1
Michigan	109,986,000	90,721,762	21.2
Minnesota	40,119,000	36,383,455	10.3
Mississippi	37,531,000	32,293,424	16.2
Missouri	49,873,000	49,857,568	0.0
Montana	11,462,000	13,052,614	−12.2
Nebraska	14,727,000	21,557,260	−31.7
Nevada	12,648,000	12,905,969	−2.0
New Hampshire	10,987,000	13,283,611	−17.3
New Jersey	66,235,000	54,511,691	21.5
New Mexico	21,328,000	26,175,853	−18.5
New York	211,655,000	185,851,927	13.9
North Carolina	59,565,000	59,271,274	0.5
North Dakota	10,131,000	12,982,323	−22.0
Ohio	110,142,000	96,755,688	13.8
Oklahoma	32,982,000	34,898,615	−5.5
Oregon	28,316,000	28,584,893	−0.9
Pennsylvania	116,992,000,	106,949,829	9.4
Rhode Island	11,349,000	16,087,033	−29.5
South Carolina	34,950,000	35,192,514	−0.7
South Dakota	10,562,000	14,255,337	−25.9
Tennessee	48,747,000	48,234,290	1.1
Texas	220,192,000	188,545,340	16.8
Utah	18,817,000	21,657,436	−13.1
Vermont	9,830,000	11,905,763	−17.4
Virginia	50,445,000	52,686,574	−4.3
Washington	47,584,000	56,993,741	−16.5
West Virginia	21,863,000	24,498,214	−10.8
Wisconsin	49,155,000	43,326,942	13.5
Wyoming	9,650,000	11,682,323	−17.4
Puerto Rico	71,099,000	51,413,604	38.3
Outlying Areas	13,700,000	12,140,665	12.8
BIA	13,700,000	9,749,076	40.5
Other		28,726,870	na
Total	2,740,000,000	2,686,289,000	2.0

Table prepared by CRS on Sept. 16, 1998.

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEA'S) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEA'S UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3245

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
Alabama	$32,480,640	$28,726,364	13.1
Alaska	8,574,720	9,973,738	−14.0
Arizona	31,996,800	27,196,850	17.6
Arkansas	19,791,360	14,926,966	32.6
California	237,103,690	212,174,852	11.7
Colorado	23,896,580	18,948,065	25.1
Connecticut	20,659,200	18,744,802	10.2
Delaware	8,339,520	7,893,343	5.7

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEA'S) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEA'S UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3245—Continued

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
District of Columbia	6,355,840	7,431,557	12.4
Florida	94,823,040	91,729,340	3.4
Georgia	54,471,360	42,934,372	26.9
Hawaii	8,868,480	8,995,313	26.8
Idaho	9,253,440	8,516,800	8.7
Illinois	88,915,360	72,854,420	21.9
Indiana	36,408,080	30,973,512	17.5
Iowa	17,131,200	12,779,617	34.1
Kansas	17,618,880	15,544,068	13.3
Kentucky	44,801,920	24,600,251	29.3
Louisiana	44,208,960	34,665,652	27.5
Maine	9,648,000	8,159,272	18.2
Maryland	31,515,840	25,493,567	23.5
Massachusetts	40,377,600	38,492,132	4.9
Michigan	82,742,400	65,986,110	25.4
Minnesota	30,007,680	23,832,451	25.9
Mississippi	28,125,120	21,427,695	31.3
Missouri	37,344,980	29,020,065	28.7
Montana	9,038,400	7,169,578	26.1
Nebraska	11,083,200	11,733,360	−5.5
Nevada	9,567,200	8,894,458	6.7
New Hampshire	8,675,520	7,389,104	17.4
New Jersey	49,601,280	37,348,162	32.8
New Mexico	16,026,240	13,700,687	17.0
New York	159,475,200	148,444,545	8.9
North Carolina	44,536,320	40,495,357	10.0
North Dakota	8,333,760	7,915,179	5.3
Ohio	62,574,400	85,323,229	26.4
Oklahoma	24,687,360	20,223,570	22.1
Oregon	21,254,400	17,502,102	21.4
Pennsylvania	87,825,440	71,081,085	23.7
Rhode Island	9,001,920	7,181,698	25.3
South Carolina	26,136,000	23,189,775	12.7
South Dakota	8,543,040	7,702,811	10.9
Tennessee	38,509,760	29,345,405	24.4
Texas	155,546,240	134,012,463	23.5
Utah	14,062,080	11,304,868	24.4
Vermont	8,166,880	7,350,078	11.4
Virginia	37,887,680	30,384,366	24.0
Washington	35,669,760	34,440,440	3.6
West Virginia	16,408,320	13,455,322	21.9
Wisconsin	36,780,480	27,895,883	32.9
Wyoming	8,081,280	6,853,872	17.9
Puerto Rico	63,332,800	40,548,467	31.5

Mr. STARK. Madam Chairman, I rise today in opposition to the so-called "Dollars to the Classroom" Act. This sham bill is a public relations ploy for election year votes and a policy nightmare for our children.

This bill sounds like a good idea—who could resist sending dollars to our schools? But calling the bill one thing does not make it so. We might as well have the Budweiser frogs pitching this bill because you would have to be a sucker for marketing to believe this bill will do anything to put more dollars into the classroom.

H.R. 3248 attempts to redistribute federal education dollars. It claims to be an increase, but in reality would provide less funds to the classroom. In addition, it assumes a funding level that is not included in the House Appropriations Committee reported Labor-HHS-Education bill. So, even if H.R. 3248 becomes law, the funds won't be available to finance it.

Let's review the Republican education agenda for a moment. We've debated a bill to allow prayer in schools—a right that is already protected by current law—we've discussed taking public education dollars and putting them into private voucher accounts for private schools, and my Republican colleagues have introduced legislation to eliminate the Department of Education. We have also defeated attempts to eliminate bilingual education, and defeated a bill to eliminate affirmative action programs in place at colleges and universities.

As if that weren't enough, the Majority has refused to include any of the President's education proposals in the FY '99 Labor, HHS and Education Appropriations bill. Rather than putting dollars into education, the Majority's plan would cut Head Start by 50%, prevent much needed dollars to update and modernize school facilities and eliminate funding for GOALS 2000.

The Department of Education shows that this bill, if enacted, would have a devastating impact on funds available for classrooms. In some states, the reduction of funds will exceed 60% of current funding levels. All states will lose dollars to the classroom. I am submitting for the record an analysis by the U.S. Department of Education which shows the impact on education funding if this bill were to become law.

Who opposes this legislation? The organizations and schools on the front lines of teaching. The very classroom workers this bill claims to be helping. The National Parent Teacher Association, the American Federation of Teachers, the American Association of School Administrators, the American Association of University Women, the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of State Boards of Education, and the National Education Association all oppose this legislation.

It is clear where the Republicans stand on education. I urge my colleagues to take a real stand for our children and make a real commitment to our schools. Vote against H.R. 3248 and support effort to put real dollars into real classrooms.

IMPACT OF H.R. 3248 THE "DOLLARS TO THE CLASSROOM ACT"

	Allocations under current law FY 1998 [1]	Estimated allocations under H.R. 3248 1999 House committee [2]	Change from current law	
			Dollars	Percent
Alabama	$37,847,464	$33,864,590	−$3,982,874	−10.5
Alaska	21,791,724	7,861,824	−13,929,000	−63.9
Arizona	39,586,425	34,648,518	−4,937,906	−12.5
Arkansas	21,687,428	20,674,162	−1,013,266	−4.7
California	298,178,752	246,693,707	−51,485,045	−17.3
Colorado	31,361,652	25,153,676	−6,207,976	−19.8
Connecticut	30,118,669	21,509,447	−8,609,222	−28.6
Delaware	11,672,901	7,632,086	−4,040,815	−34.6
District of Columbia	29,603,406	7,771,532	−21,831,873	−73.7
Florida	120,603,903	99,093,164	−21,510,739	−17.8
Georgia	62,047,160	56,847,358	−5,199,802	−8.4
Hawaii	34,723,242	7,719,586	−27,003,656	−77.8
Idaho	13,038,722	8,412,811	−4,625,910	−35.5
Illinois	106,357,682	92,729,841	−13,627,841	−12.8
Indiana	47,454,205	38,515,955	−8,938,249	−18.8
Iowa	38,284,832	18,449,587	−19,835,245	−51.8
Kansas	23,615,556	18,194,580	−5,420,976	−23.0
Kentucky	37,141,163	32,558,769	−4,582,394	−12.3
Louisiana	62,317,031	45,191,954	−17,125,077	−27.5
Maine	12,142,653	8,770,726	−3,371,928	−27.8
Maryland	43,739,157	32,923,149	−10,816,008	−24.7
Massachusetts	59,841,778	42,240,583	−17,601,195	−29.4
Michigan	90,721,762	84,334,390	−6,387,372	−7.0
Minnesota	36,383,455	31,413,175	−4,970,280	−13.7
Mississippi	32,293,424	29,039,690	−3,253,734	−10.1
Missouri	49,857,568	39,162,392	−10,695,176	−21.5
Montana	13,052,614	7,923,255	−5,129,359	−39.3
Nebraska	21,557,260	11,263,406	−10,293,853	−47.8
Nevada	12,905,989	9,532,789	−3,373,200	−26.1
New Hampshire	13,283,611	7,591,797	−5,691,814	−42.8
New Jersey	54,511,691	52,155,401	−2,356,290	−4.3
New Mexico	26,175,853	16,362,927	−9,812,927	−37.5
New York	185,851,927	163,029,308	−22,822,619	−12.3
North Carolina	59,271,274	47,488,942	−11,782,332	−19.9
North Dakota	12,982,323	7,623,710	−5,358,613	−41.3
Ohio	96,755,688	85,343,169	−11,412,519	−11.8
Oklahoma	34,898,615	25,680,671	−9,217,944	−26.4
Oregon	28,854,893	21,916,128	−6,668,765	−23.3
Pennsylvania	106,949,829	90,564,769	−16,385,060	−15.3
Puerto Rico	51,413,604	54,860,183	−3,446,579	−6.7
Rhode Island	16,087,033	7,938,680	−8,148,353	−50.7
South Carolina	35,192,514	27,729,484	−7,463,030	−21.2
South Dakota	14,255,337	7,681,834	−6,573,503	−46.1

IMPACT OF H.R. 3248 THE "DOLLARS TO THE CLASSROOM ACT"—Continued

	Allocations under current law FY 1998 [1]	Estimated allocations under H.R. 3248 1999 House committee [2]	Change from current law	
			Dollars	Percent
Tennessee	48,234,290	37,941,158	−10,293,132	−21.3
Texas	188,545,340	170,952,456	−17,592,884	−9.3
Utah	21,657,436	14,744,735	−6,912,701	−31.9
Vermont	11,905,763	7,579,018	−4,326,745	−36.3
Virginia	52,686,574	40,010,221	−12,676,352	−24.1
Washington	56,993,741	37,235,777	−19,757,964	−34.7
West Virginia	24,498,214	16,756,748	−7,741,465	−31.6
Wisconsin	43,326,942	38,478,067	−4,848,865	−11.2
Wyoming	11,682,323	7,522,112	−4,160,210	−35.6
Outlying Areas	12,140,665	10,643,000	−1,497,665	−12.3
Bureau of Indian Affairs	9,749,076	10,643,000	−893,924	−9.2
Totals	2,657,562,130	2,128,600,000	−528,962,130	−19.9

[1] Includes each State's total for the 26 programs proposed for consolidation under H.R. 3248 the "Dollars to the Classroom Act." Excludes funds for administrative expenses (e.g., peer review and national evaluations).
[2] Estimates are based on the formula H.R. 3248, Section 102, and the FY 1999 House Committee level for each program consolidated in the bill.

Ms. PELOSI. Madam Chairman, I rise in opposition to H.R. 3248, the "Dollars to the Classroom" legislation. This legislation repeals many small arts programs that have met with great success, stood the test of time, and benefited children, young people and adults all across this country.

Each year, Very Special Arts brings the transforming power of the arts into the lives of over 3.5 million people. Founded 25 years ago by Jean Kennedy Smith, Very Special Arts is an international, nonprofit organization dedicated to providing educational opportunities through the arts for children and adults with disabilities. Both Very Special Arts and the John F. Kennedy Center for the Performing Arts receive funding each year through the Department of Education's Arts in Education program. Very Special Arts' federal dollars are matched with state, local, corporate and foundation support in all 50 states. Each VSA state affiliate develops programs to match unique community needs and interests, further strengthening the program by guaranteeing local involvement. Whether programs take place in classrooms, nursing homes, day care facilities, fine arts centers, libraries, VA facilities, or children's hospitals, they are built on the premise that art is a universal language that strengthens communities and connects us to each other.

In May of 1999, Los Angeles will be the host city for Art & Soul, an international celebration of the arts, disability and culture sponsored by Very Special Arts. Held in conjunction with the Mayor's Office of Cultural Affairs and the Los Angeles Convention & Visitors Bureau, the five day festival will take place at the Los Angeles Convention Center, and will bring together more than 3,000 artists with disabilities from around the world. The festival will feature performances, exhibits, workshops, art demonstrations and an educational symposia—all in an effort to provide an international exchange of information on the arts, education, disability and technology among educators, artists, parents, arts organizations, and the general public. The festival will also offer a learning opportunity for the more than 600,000 Los Angeles school children. These students, 8,000 of whom have disabilities, will be invited to participate in all aspects of the festival—broadening their awareness of the endless possibilities the arts provide in education, business and technology.

Another highly effective program in my state, the VA/VSA Artist-in-Residence Program, builds independence and self-confidence in veterans across the country by using artistic outlets to enhance the rehabilitation process. The program provides veterans who receive care at VA medical centers with quality arts experiences through artist-in-residence programs and community-based activities. VSA California provides ten-week residency programs at the Palo Alto VA Day Care & Homeless Center in the Mission district of San Francisco.

Madam Chairman, the programs I have mentioned today are just two examples of the wonderful work Very Special Arts accomplishes each year in California and on behalf of all people with disabilities across our great nation. Therefore, I urge my colleagues to oppose H.R. 3248, and continue to support programs, like Very Special Arts, that provide important and valuable services for all of our constituents.

Mr. HASTERT. Madam Chairman, today I rise in strong support of H.R. 3284, the Dollars to the Classroom Act, a bill which I am proud to co-sponsor. I would like to congratulate my colleague Congressman JOE PITTS for his work in bringing this important legislation forward.

As a former high school teacher, I am concerned about the current state of our Nation's schools. Clearly the lack of progress in educational reform at the K–12 level is a serious threat to the health of the economy and to the future prosperity of American children. However, in order to place the discussion about what to do about our failing educational system in context, a brief review of the history of the economics of federal involvement in education is in order. Thus far, school reforms have focused only on increasing funding to public schools. Since 1983, government funding to public K–12 schools has increased by 44 percent and average per-student spending has increased by 32 percent. Total spending for public K–12 education now totals nearly $300 billion per year.

One of the central problems with education funding today is where this funding goes. For example, the federal government spends approximately $100 billion a year on more than 760 federal education programs. However, more than a third of the $15.4 billion spent by the Department of Education on elementary and secondary education programs never reaches the all important classroom; instead it is lost in a sea of bureaucracy.

Madam Chairman, last year, the House took a first step toward assuring that taxpayer education dollars get where they are supposed to be going. The House passed, and I supported, the Dollars to Classrooms Resolution which expressed the sense of the House that the Department of Education, state education departments, and local education agencies work together to ensure that not less than 90 percent of all education funds are spent on children in their classrooms. In other words: let's get the money to the place it will do some good—the classroom.

House Republicans have had some important successes over the past few years: we've balanced the federal budget for the first time in a generation, produced the first tax cut in 16 years, and moved millions of Americans from welfare to work. Today we are building on these successes by taking an important step toward bringing the best education possible within reach of every child in this country.

The Dollars to the Classroom Act represents a major change in the federal government's approach to education funding. Instead of pouring money into the Department of Education and hoping some of its trickles down to our children's classrooms, this legislation will assure that 95 cents out of every federal education dollar goes directly to our kids' classrooms.

What does this legislation mean for America's families and children? It means that every classroom in America will receive, on average, an extra $425 because this Act consolidates many grant programs that never reach the classroom and lifts restrictions that keep many schools from even applying for these grants. It means that $800 million additional education dollars will go to our public schools. It means that my home state of Illinois will receive $44 million more education dollars—an increase of more than 40%. In short, Mr. Speaker, the passage of the Dollars to the Classroom Act means that more education dollars will reach more kids. I cannot believe that anyone can oppose this.

Madam Chairman, we have to ask ourselves where the solution to the problems with our education system lie. Some of my colleagues are convinced that if we could only send more money to the Department of Education they will be able to fix our schools.

As a teacher, I must disagree. I know that innovation in education—something we desperately need—will not come from Washington bureaucrats. In fact, they are at the root of the problem. Innovative solutions will only come from families, teachers, and local communities who actually do the job of teaching our kids.

Madam Chairman, I am happy to co-sponsor the Dollars to the Classroom Act because it will free the hands of local schools to fix the problems without education system and it provides them the funds they need, no strings attached, to carry out these reforms. I urge all my colleagues to stand for our kids and support this important legislation.

Mr. SANDLIN. Madam Chairman, I rise in opposition to H.R. 3248, the Dollars to the Classroom Act. The title is a misnomer. In fact, this bill takes dollars out of the classroom. Funds to the State of Texas would be reduced by $17,592,884! I have listened to this debate and heard many of my colleagues on the other side of the aisle say the states are held harmless. Perhaps they're using new math, but the math I learned in school tells me that a reduction of more than $17 million is not being held harmless.

Local control is the key. We must allow our local school districts to implement programs that are best for their communities. The federal government is and should be a junior partner in education, providing the needed tools for those programs. However, this legislation will block grant our federal education programs. This bill would eliminate many key federal elementary and secondary education programs by rolling them into a single education block grant to the states. The Eisenhower Teacher Training program, the School-to-Work program, and the voluntary Goals 2000 School Reform program would be eliminated. No federal funds would be guaranteed for programs to improve the quality of teacher training in such core subjects as reading and math. No funds would be guaranteed for programs to improve the transition from school to work. And no funds would be guaranteed to implement school reform efforts and raise academic standards.

In this bill, we see a continuation of the assault on our public schools. It is a continuation of efforts to shift federal aid away from the public schools. It is a continuation of efforts to undermine the local control of our local school districts.

My friends on the other side of the aisle have said that they want to let the teachers make the decisions. If that is so, why are teachers and other local school officials opposed to this bill? I have heard from the Texas Education Agency, Texas State Teachers Association, the Texas Federation of Teachers, the National PTA, the Council of Chief State School Officers, the American Association of School Administrators, the National Association of State Boards of Education, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of State Directors of Special Education, the National Science Teachers Association, the American Federation of Teachers, and the National Education Association. The Republicans claim that they are letting the members of these organizations make the decisions. If that is true, why are they all opposed to it?

There is nothing we do as Members of Congress that is more important than safeguarding the future of our children. We should be working to improve education, but this bill is not the way to go about it. We should be helping our local school districts with the modernization or construction of schools. We should be passing legislation to allow our local districts to hire more teachers so we can have small classes. We should be helping our local communities fund after school learning programs. We should be giving our local schools the ability to ensure that all students are computer literate and all classrooms are connected to the Internet by the year 2001.

Madam Chairman, I challenge this body to consider and pass real education reform. Vote no on this sham of a reform.

Mr. PAUL. Madam Chairman, I appreciate the opportunity to express my reservations about H.R. 3248, the Dollars to the Classroom Act. I take a back seat to no one in my opposition to Federal control of education. Unlike some of this bills most vocal supporters, I have consistently voted against all appropriations for the Department of Education. In fact, when I was serving in the House in 1979, I opposed the creation of the Education Department. I applaud the work Mr. Pitts and others have done to force Congress to debate the best means of returning power over education to the states, local communities and primarily parents. However, although H.R. 3248 takes a step toward shrinking the Federal bureaucracy by repealing several education programs, its long-term effect will likely be to strengthen the Federal Government's control over education by increasing Federal spending. Therefore, Congress should reject this bill.

If H.R. 3248 did not increase Federal expenditures, my support would be unenthusiastic at best as the system of block grants established by this bill continue the unconstitutional practice of taking money from taxpayers and redistributing it to other states. The Federal Government lacks constitutional authority to carry out this type of redistribution between states and taxpayers, regardless of whether the monies are redistributed through Federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the United States Constitution.

The requirement that the states certify that 95% of Federal monies are spent "in the classroom," (a term not defined in the act) and report to the Congress how they are using those monies to improve student performance imposes an unacceptable level of Federal management on the states. States are sovereign entities, not administrative units of the Federal Government, and should not have to account to the Federal Government for their management of educational programs.

For all its flaws, the original version of H.R. 3248 at least restored some measure of state control of education because it placed no restrictions on a state's use of funds. It was, thus, a pure block grant. However, this bill does not even give states that level of discretion as H.R. 3248 has been amended to restrict the uses to which a state can apply its block grants.

Under the revised version of H.R. 3248, states can only spend their block grant money on one or more of the programs supposedly repealed by the Federal Government! In fact, this bill is merely one more example of "mandate federalism" where states are given flexibility to determine how best to fulfill goals set by Congress. Granting states the authority to select a particular form of federal management of education may be an improvement over the current system, but it is hardly a restoration of state and local control over education!

The federal government's power to treat state governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to federal control is the only way state and local officials can recapture any part of the monies the federal government has illegitimately taken from a state's citizens. Of course, this is also the only way state officials can tax citizens of other states to support their education programs. It is the rare official who can afford not to bow to federal dictates in exchange for federal funding!

As long as the federal government controls education dollars, states and local schools will obey federal mandates; the core problem is not that federal monies are given with the inevitable strings attached, the real problem is the existence of federal taxation and funding.

Since federal spending is the root of federal control, by increasing federal spending this bill lays the groundwork for future Congresses to fasten more and more mandates on the states. Because state and even local officials, not federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the state governments into mere agents of the federal government.

Madam Chairman, those who doubt the likelihood of the above scenario should remember that the Education Committee could not even pass the initial block grant without "giving in" to the temptation to limit state autonomy in the use of education funds because "Congress cannot trust the states to do the right thing!" Given that this Congress cannot pass a clean block grant, who can doubt that some future Congress will decide that the States need federal "leadership" to ensure they use their block grants in the correct manner, or that states should be forced to use at least a certain percentage of their block grant funds on a few "vital" programs.

I would also ask those of my colleagues who claim that block grant will lead to future reductions in expenditures how likely is this will occur when Congress had to increase expenditures in order to originally implement the block grant programs?

Furthermore, by increasing the flow of federal money to state and local educrats, rather than directly increasing parental control over education through education tax credits and tax cuts, the effect will be to make state and local officials even less responsive to parents. I wish to remind my colleagues that many state and local education officials support the same programs as the federal educrats. The officials responsible for the genital exams of junior high school girls in Pennsylvania should not be rewarded with more federal taxpayers' dollars to spend as they wish.

It will be claimed that this bill does not increase spending, it merely funds education spending at the current level by adding an adjustment to inflation to the monies appropriated for education programs in Fiscal Year 1999. However, predicting the rate of inflation is a tricky business. If, as is very likely, inflation is less than the amount dictated by this bill, the result will be an increase in education

spending in real dollar terms. Still, that is beside the point, any spending increase, whether real or nominal, ought to be opposed. CBO reports that H.R. 3248 provides "additional authorization of "9.5B."

Madam Chairman, while I applaud the attempt by the drafters of this bill to attempt to reduce the federal education bureaucracy, the fact is the Dollars to the Classroom Act represents the latest attempt of this Congress to avoid addressing philosophical and constitutional questions of the role of the Federal and State Governments by means of adjustments in management in the name of devolution. Devolution is said to be a return to state's rights since it decentralized the management of federal program; this is a new 1990's definition of the original concept of federalism and is a poor substitute for the original, constitutional definition of federalism.

Rather than shifting responsibility for the management of federal funds, Congress should defund all unconstitutional programs and dramatically cut taxes imposed upon the American people, thus enabling American families to devote more of their resources to education. I have introduced a bill, the Family Education Freedom Act (H.R. 1816) to provide parents with a $3,000 per child tax credit for education expenses. This bill directly empowers parents, not bureaucrats or state officials, to control education and is the most important education reform idea introduced in this Congress.

In conclusion, the Dollars to the Classroom Act may repeal some unconstitutional education programs but it continues the federal government's equally unconstitutional taking of funds from the America people for the purpose of returning them in the form of monies for education only if a state obeys federal mandates. While this may be closer to the constitutional systems, it also lays the groundwork for future federal power grabs by increasing federal spending. Rather than continue to increase spending while pretending to restore federalism, Congress should take action to restore parents to the rightful place as the "bosses" of America's education system.

Ms. JACKSON-LEE of Texas. Madam Chairman, Plutarch once wrote that the very spring and root of honesty and virtue lie in good education. The proposed "Dollars to the Classroom Act" would rent this spring and root from the fertile soils of our school systems and would leave only a desolate land of ignorance.

This measure attempts to tear the elementary and secondary education system apart in an effort to make political gains rather than substantive policy improvements for children and education.

H.R. 3248 would eliminate 31 existing elementary and secondary programs—including Eisenhower Professional Development, School-To-Work, Goals 2000, Comprehensive School Reform, Magnet Schools Assistance, Technology for Education, 21st Century Community Learning Centers, and Civic Education programs, among others, with no assurance that any of the funding for these programs would stay in the education arena. It seems that we should instead name this the "Dollars FROM the Classroom Act."

This legislation would also permit all States to participate in the current Ed-Flex demonstration program without any emphasis on ensuring quality academic achievement among students.

H.R. 3248 also would eliminate the requirement that school districts with significant percentages of children in poverty be permitted to do schoolwide programs under Title 1 of the Elementary and Secondary Education Act.

This act also errs by nullifying the accountability for taxpayer dollars that is so integral to our education system. Accountability for the Federal education dollar is extremely important in both ensuring that programs are conducted consistent with the priorities in Federal law, and that we can ensure that program dollars are being effectively utilized.

Without provisions ensuring strong accountability, we have no assurance that our nation's children are being well-served and little information on the effectiveness of our programs. Fortunately, the programs affected by this bill have existing accountability measure that ensure that resources are utilized in a manner consistent with the goals of each program and the overarching mission to educate our children.

H.R. 3248 makes only superficial attempts at ensuring accountability for the funding that would go out under the bill's block grant scheme. First, the bill requires a generic annual report on how funds have been used to improve student performance that will tell us little about effective strategies and uses of funding under the block grant.

Second, States would be required to use any measures of student academic performance to gauge the effectiveness of funding. These provisions have no requirement to link outcomes, assessments, or reporting to challenging, high quality, State academic standards and will do nothing to ensure effective use of Federal education resources.

Moreover, the Secretary of Education is specifically barred from imposing any meaningful performance or accountability standards regarding the expenditure of funding under this bill. We should not enact legislation that jeopardizes accountability of Federal dollars and, in turn, jeopardizes the quality of our children's education.

Very simply, this legislation destroys the very nature of the Federal commitment to education through a complete abandonment of accountability and a lack of focus on high student achievement, and the elimination of targeting our limited resources to those children most in need.

It is important to remember that block grants are not new. While they appeal to cries for simplification, the result has been largely to reduce funding. This approach to Federal assistance has been tried before, especially during the early 1970's and again during the early 1980's.

Specifically, in 1981, more than 40 smaller education programs were block granted. The total funding at the time was reduced because of the theory of more flexibility. Funding for the block grant decreased over time from 1982 to 1992 by roughly 52 percent.

Rather than advancing this destructive agenda, we should be advancing one which reflects the real needs of America's educational system. We need real solutions to the demands of our education system, not divisive measures that will cause disruption.

Yet, instead of responding to the educational needs of our nation, the majority has sought to divide us along partisan lines. This does nothing to assist our principals, parents, teachers, and students in their quest for educational excellence.

Ms. MILLENDER-McDONALD. Madam Chairman, I rise in strong opposition to H.R. 3248. As a former educator in the Los Angeles Unified School District, one of the largest in this country, I cannot support this bill. It repeals 31 elementary and secondary education programs, including Goals 2000, School to Work, and Eisenhower Professional Development State Grants.

I am particularly concerned about elimination of the Eisenhower Professional Development program because it has been a successful tool in providing critical teacher training opportunities. The only way for our students to become the best they can be is for their teachers to be the best they can be—which requires on-going quality training for teachers. In this rapidly changing world, it is essential for teachers to have up-to-date training and the latest information and technology if they are to teach our children and prepare them for the next millennium.

This bill eliminates existing mechanisms that assure that federal funds are used as intended and that children are well served—yet it fails to provide adequate replacements. This bill completely eliminates the ability of the federal government to target federal funds on poor children, and instead leaves the targeting of federal funds to the political whims of state legislatures. As a former state legislator, I know the risks of federal funding reaching the intended programs when these funds are directed to block grants for states. The Government Accounting Office has found that federal funding is more targeted to poor students than state funding in 45 of 47 states. This targeted focus of federal education dollars is intended to address national problems that are not being adequately addressed at the state and local levels.

This bill is opposed by respected educators across the country, including the National Education Association, the National PTA, the American Association of School Administrators, the National Association of Elementary School Principals, and the American Association of University Women.

My constituents in California, including the State Superintendent of Public Instruction, do not want to see this bill passed. Yesterday, a group of California educators, led by the President of the Los Angeles County School Board came to my office and urged me to oppose this bill. They were particularly concerned that this bill would eliminate the successful Comprehensive Regional Assistance Centers. In Los Angeles, these Centers have provided vital resources to our classrooms and given teachers more tools to help our children learn to read. One of the tools in this guide, "Taking a Reading," which aids teachers in teaching our children to read. If this bill passes, my local teachers will lose this tool.

Another program that will be eliminated if this bill passes is the "We The People" program. Participants of this civic education program in the 37th District of California have called my office and urged opposition to this

bill. Even though we have a strong and active program in Southern California, local leaders say the program is enhanced because of the national network they participate in through the existing federal funding. I must ask my colleagues, with all we have witnessed this summer, how can we in good faith, vote to eliminate funding for civics education for America's children? If anything, we should be providing more resources for programs that teach our children about responsible and good citizenship.

This bill also eliminates funding for Women's Educational Equity, Arts in Education and Magnet Schools, just to name a few. This is not a good bill. I urge my colleagues to vote against this bill and support real efforts to improve education, like improving teacher training, reducing class size, adding new qualified teachers, and improving the condition of our school facilities. Vote "no" on this bill.

Mrs. KENNELLY of Connecticut. Madam Chairman, I rise in strong support of the substitute amendment to this bill. This legislation, of which I am an original cosponsor, would hire 100,000 new teachers and reduce class size in my state in grades 1 through 3 to an average of 18 students. This amendment puts the focus in our education system back where it belongs, with our children.

This issue is raised so often by the families in my district, and I believe that we here in Congress have the responsibility to provide for our children and help localities provide the kind of education they expect and our children need to be competitive in the modern world. Studies have shown that strong reading skills at a young age lead to greater success later on. This amendment will give our teachers the ability to dedicate more of their time to working with each individual child, providing more focus on the development of this important skills.

This legislation is already funded in the President's budget proposal. This bill, too, would mean more dollars for my home state. For Connecticut, this means more than $115 million to help local school districts hire and train additional teachers. I urge my colleagues to support the amendment, and give our communities the resources they need to prepare our children for the future.

Mr. CANNON. Madam Chairman, I rise today in support of H.R. 3248, The Dollars to the Classroom Act in my home state of Utah we have a strong public education system with many successful programs. The teachers and administrators at the local level are what has made these programs work so well. They know our children, they know their names, they know their needs. They should not be superseded by a federal program handed down by Washington, D.C. We need to give our nation's teachers the power to make our children's education successful.

This bill will do that.

H.R. 3248 mandates that 95 percent of the money appropriated under this grant is to be used as we intend it to be used, in our children's classrooms. This bill combines 31 separate programs, eliminates the bureaucracy that administers those programs and makes sure that the money doesn't go to special interest groups. Our children will instead get $2.74 billion in additional federal funding. That is $425 per classroom. What teacher couldn't use an additional $425 to improve the quality of education in their classrooms?

This is money that our children's teachers and local officials will be deciding how to spend, not some special interest group or bureaucrat sitting not far from here. The money can be used to purchase supplies, buy computers, pay for Internet access, hire new teachers and increase teachers' salaries.

Our nation's teachers are molding the world leaders of tomorrow. They know our children's strengths and their weaknesses. No one influences our children like their teachers. Let's give them the power and resources to do their job right.

Mr. VENTO. Madam Chairman, I rise today in opposition to the block grant, H.R. 3248. As a former educator, I am a strong supporter of legislation which invests in the education of our children. However, this legislation, despite its name, does nothing to improve educational opportunities.

Federal aid was originally adopted because individual states were either unwilling or unable to meet specific needs in our schools and often to address and encourage service to special needs. H.R. 3248 fails to guarantee that any federal money would be used to continue initiatives which provide our children with the best opportunities to succeed and especially children with disabilities who deserve the opportunity and assurance with the chance to succeed. Instead, it dilutes the impact of federal funding, shortchanges high need students, reduces accountability and undermines national education priorities. And discards programs and commitments that work.

Supporters of this legislation insist that this block grant provides the perfect vehicle to get more dollars to disadvantaged children and their teachers. In fact, the very opposite is true. H.R. 3248 contains no state to local formula, leaving up to 95% of the funds to be spent at the sole discretion of the governor who incidentally isn't responsible for raising such funds. Funds could be spent on equipment, operating expenses and personnel. Federal dollars could become nothing more than general aid or tax relief for communities who do not wish to invest in important programs which address the needs of disabled, gifted, minority and disadvantaged youth the populist sentiment in the state would surely erode help for those children and families that have little political power. This block grant ignores the needs of preschool children by funding only activities and services for children aged 5 through 17, even if local officials wish to continue preschool activities.

In addition, this legislation proves for no accountability. The Block Grant Act requires only that each state submit an annual report that describes how the funds have been used to improve student performance, using any measures the state deems appropriate. Block grants are difficult to evaluate in terms of their impact on teaching and learning, and this legislation would essentially allow states to create their own standards. In a worst case scenario, they may even choose not to include data which measures the performance of students with lower achievement levels. These children could be completely cast aside, because states will no longer have to comply with the current regulations we have in place to protect them.

Block grants for education will likely go into atrophy, as it is far easier for the National Congress to cut nonspecific programs and shrink the block grant to a shadow of its $125.

Rather than continuously undermining public education, Congress needs to take proactive measures which will bring more resources into our schools. The Republican majority continues to craft schemes which siphon money away from important programs. Instead of putting the education of children with various needs in jeopardy, we should work to ensure that every child is given the chance to partake in a quality learning environment which allows them the best opportunity to acquire skills necessary to be successful in the future. The Block Grant Act does not promote a reasonable or adequate approach to ensuring that this occurs. I oppose this legislation, and urge my colleagues to do the same.

Mr. McINTOSH. Madam Chairman, with the dawn of a new century imminently upon us, there's a great deal that's going right about America. Our economy is the envy of the world. Unemployment and inflation are both down. It is clear that the economic political message of President Ronald Reagan has been internalized, to a greater or lesser extent, by everyone in the political system.

Yet amid this economic prosperity, the education and future of our children is in doubt. As a nation, we have not lived up to our responsibility of educating our children, and our public school system is simply not competitive with the OECD nations with which we do battle in the marketplace.

We desperately need to ensure that our children in school today grow up to be the best educated young adults in the world. While school choice and government scholarship programs is the single best way to achieve this goal, the best interim measure that we can do is to decentralize our public educational system.

We need to devolve educational resources from the federal to the state level. We need to give the governors and state legislators the resources they so desperately need in order to creatively deal with the educational challenges at the local level in their communities.

The bureaucratic waste in educational programs at the Federal level is enormous. Currently, there are 788 programs originating in Washington which are supposedly meant to augment education. These programs span 39 different federal departments and consumes $100 billion a year. Can you imagine what

governors and legislators could do if $100 billion was block-granted to the states? That's over $2000 per student annually.

H.R. 3248, the Dollars to the Classrooms Act, is a modest yet concrete step towards reaching this necessary and justified goal. It consolidates 31, or about 4% of the 788 Federal education programs currently in existence. This will free up about $2.74 billion in federal tax dollars, which will be transferred and sends the money in a block to the States. This "Dollars to the Classroom" bill is the first step towards ensuring that a full 95% of our Federal education dollars bypass the bureaucracy in Washington entirely, and go directly to the classroom level, where they can help school age children the best.

In short, I urge you to give our children the resources they need and lend your support to H.R. 3248.

Mrs. EMERSON. Madam Chairman, I rise today to urge support of H.R. 3248, the Dollars to the Classroom Act. I commend the sponsor, Mr. PITTS, Chairman GOODLING and the Education and the Workforce Committee, for their continual hard work to ensure that real reform occurs in our nation's education system.

Madam Chairman, this legislation sends more dollars to the classrooms while giving local educators more funding options. It is currently estimated that only 65 percent of all federal funds allocated for education actually reach our nation's classrooms. This town is notorious for talking about reforming the education system but this dismal statistic proves that nothing has been accomplished.

The Dollars to the Classroom Act is a great way to send a message to the Administration that we in Congress are prepared to invoke real reform at the Department of Education. Our goal should be an education system where every child can out-score, out-perform and out-compete the students of every other nation in the world.

It's time to put our children before bureaucrats. The decision of how our education money is spent must be made by local teachers, administrators and parents. Not the federal government. It's time that we invest more wisely. We must spend our education dollars where they can achieve the most—right in the classroom.

This legislation would mean that schools in Cape Girardeau, West Plains, Rolla and every other school in Southern Missouri would receive $9,300 on average and each classroom would receive $425. At Dexter High School in my district, where I have taught a few classes, $9,300 is the difference between having computers and much newer books and other much needed learning resources. It's finally time for Congress to take a stand and do what is right for our nation's children. I urge my colleagues to support Dexter High School and support the Dollars to the Classroom Act. We must localize education not nationalize it.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3248

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 "Dollars to the Classroom Act".

TITLE I—IMPROVEMENT OF CLASSROOM SERVICES AND ACTIVITIES

SEC. 101. GRANTS TO STATES.

The Secretary is authorized to award grants in accordance with this title to States for use by States and local educational agencies to improve classroom services and activities for students.

SEC. 102. GRANT AWARD.

(a) RESERVATION OF FUNDS.—From the amount appropriated to carry out this title for any fiscal year, the Secretary shall reserve—

(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this section; and

(2) ½ of 1 percent for the Secretary of the Interior for programs under this title in schools operated or funded by the Bureau of Indian Affairs.

(b) STATE ALLOCATIONS.—Funds appropriated to carry out this title for any fiscal year, which are not reserved under subsection (a), shall be allocated among the States as follows:

(1) HOLD HARMLESS.—If the amount of funds appropriated to carry out this title in any fiscal year equals or exceeds the aggregate amount all States received in fiscal year 1998 under—

(A) title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.);

(B) section 1002(g)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(g));

(C) section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492);

(D) part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.);

(E) section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 et seq.);

(F) title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.); and

(G) part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.),

as such provisions were in effect on the day preceding the date of the enactment of this Act, the Secretary shall allocate to each State the aggregate amount such State received for fiscal year 1998 under such provisions.

(2) INSUFFICIENT FUNDS.—If the amount of appropriations to carry out this title for any fiscal year is insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

(3) REMAINING FUNDS.—If funds remain after meeting the requirements of paragraph (1), such remaining funds shall be allocated among the States in the following manner:

(A) 50 percent of such remaining funds shall be allocated to States in proportion to their grants under part A of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year; and

(B) 50 percent of such remaining funds shall be allocated to States in proportion to the number of children ages 5 through 17, inclusive, according to the most recent available data that are satisfactory to the Secretary.

(c) DEFINITION OF STATE.—For purposes of this section, the term "State" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) DEFINITION OF OUTLYING AREA.—For purposes of this section, the term "outlying area" includes American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(e) PAYMENTS.—Funds awarded to a State under this section shall be paid to the individual or entity in the State that is responsible for the State administration of Federal education funds pursuant to State law.

(f) USE OF STATE AWARDS.—

(1) IN GENERAL.—From the amount made available to a State under subsection (b) for a fiscal year, the State—

(A) shall use not more than 5 percent of the total amount to support programs or activities, for children ages 5 through 17, that the State determines appropriate, of which the State shall distribute 20 percent of the 5 percent to local educational agencies in the State to pay the administrative expenses of the local educational agencies that are associated with the activities and services assisted under this section; and

(B) shall distribute, pursuant to section 103(a), not less than 95 percent of the amount to local educational agencies in the State for the fiscal year to enable the local educational agencies to pay the costs of activities or services provided in the classroom, for children ages 5 through 17, that the local educational agencies determine appropriate subject to the requirements of section 103(b).

(2) ADMINISTRATIVE EXPENSES.—For the purpose of paragraph (1)(B), the costs of activities and services provided in the classroom exclude the administrative expenses associated with the activities and services.

(g) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this title, and not to supplant such funds.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Each State receiving assistance under this part shall issue a report on an annual basis, not later than April 1 of each year beginning the year after the date of the enactment of this Act, to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives that describes how funds under this title have been used to improve student performance in that State.

(2) CERTIFICATION.—The report must also include a certification by the State that 95 percent of funding provided under this title during the preceding fiscal year has been expended by local educational agencies within that State for classroom activities and services pursuant to subsection (f)(1)(B).

(3) MEASURES OF PERFORMANCE.—In determining student academic performance within the State, the State shall use such measures of student academic performance as it deems appropriate. The State may disaggregate data by poverty, subject area, race, gender, geographic location, or other criteria as the State deems appropriate.

(4) AVAILABILITY OF REPORT.—Each State shall make the report described in this subsection available to parents and members of the public throughout that State.

SEC. 103. LOCAL AWARDS.

(a) DETERMINATION OF AMOUNT OF FUNDS.—

(1) IN GENERAL.—The individual or entity in the State that is responsible for the State administration of Federal education funds pursuant to

State law of each State receiving assistance under this title, in consultation with the Governor of such State, the chief State school officer of such State, representatives from the State legislature, and representatives from local educational agencies within such State, shall develop a formula for the allocation of funds described in section 102, to local educational agencies, taking into consideration—

(A) poverty rates within each local educational agency;

(B) children living in sparsely populated areas;

(C) an equitable distribution of funds among urban, rural, and suburban areas;

(D) children whose education imposes a higher than average cost per child; and

(E) such other factors as considered appropriate.

(2) HOLD HARMLESS.—No local educational agency shall receive an award under this subsection for any fiscal year in an amount that is less than the amount the local educational agency received to carry out programs or activities for fiscal year 1998 for title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.), part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.), section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6842 et seq.), title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.), and part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) as in effect on the day preceding the date of the enactment of this Act plus amounts the local educational agency is eligible to receive during fiscal years 1999 through 2003 pursuant to all multiyear awards made prior to the date of enactment of this Act under any program that is repealed by section 107 that is not listed in this sentence.

(3) INSUFFICIENT FUNDS.—If the amount allocated to a State to carry out this title for any fiscal year is insufficient to pay the full amounts that all local educational agencies in such State are eligible to receive under paragraph (2) for such year, the State shall ratably reduce such amounts for such year.

(b) LOCAL USES OF FUNDS.—Funds made available under this section to a local educational agency shall be used for the following classroom services and activities:

(1) Programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program.

(2) Professional development for instructional staff.

(3) Programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.

(4) Efforts to lengthen the school day or the school year.

(5) Programs to combat illiteracy in the student population.

(6) Programs to provide for the educational needs of gifted and talented children.

(7) Promising education reform projects that are tied to State student content and performance standards.

(8) Carrying out comprehensive school reform programs that are based on reliable research.

(9) Programs for homeless children and youth.

(10) Programs that are built upon partnerships between local educational agencies and institutions of higher education, educational service agencies, libraries, businesses, regional educational laboratories, or other educational entities, for the purpose of providing educational services consistent with this section.

(11) The acquisition of books, materials and equipment, payment of compensation of instructional staff, and instructional activities that are necessary for the conduct of programs in magnet schools.

(12) Programs to promote academic achievement among women and girls.

(13) Programs to provide for the educational needs of children with limited English proficiency or who are American Indian, Alaska Native, or Native Hawaiian.

(14) Activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

(15) Efforts to reduce the pupil-teacher ratio.

(16) Projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

(17) Projects and programs to integrate arts education into the regular elementary and secondary school curriculum.

(18) Programs designed to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

(19) Mathematics and science education instructional materials.

(20) Programs designed to improve the quality of student writing and learning and the teaching of writing as a learning process.

(21) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to effectively use such equipment and software.

(22) Computer software and hardware for instructional use.

(23) Developing, adapting, or expanding existing and new applications of technology.

(24) Acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student learning.

(25) After-school programs designed to engage children in a constructive manner and to promote their academic, developmental, and personal growth;

(26) Developing, constructing, acquiring, maintaining, operating, and obtaining technical assistance in the use of telecommunications audio and visual facilities and equipment for use in the classroom.

(27) Developing, acquiring, and obtaining technical assistance in the use of educational and instructional video programming for use in the classroom.

(c) PARENT INVOLVEMENT.—Each local educational agency receiving assistance under this section shall involve parents and members of the public in planning for the use of funds provided under this section.

SEC. 104. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Each local educational agency that receives funds under this title shall provide for the participation of children enrolled in private schools, and their teachers or other educational personnel, in the activities and services assisted under such section in the same manner as private school children, and their teachers or other educational personnel, participate in activities and services under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections 14503, 14504, 14505, and 14506 of such Act (20 U.S.C. 8893, 8894, 8895, and 8896).

SEC. 105. DEFINITIONS.

In this title—

(1) the term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(2) the term "educational service agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

(3) the term "Secretary" means the Secretary of Education; and

(4) except as otherwise provided, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

SEC. 106. GENERAL PROVISIONS.

(a) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to require, direct, or control a State, local educational agency or school's specific instructional content of pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

(b) STATE AND LOCAL DETERMINATION.—

(1) IN GENERAL.—The Secretary shall not issue any regulation regarding the type of classroom activities or services that may be assisted under this title.

(2) INSTRUCTIONAL METHOD AND SETTING.—No local educational agency shall be required to provide services under this title through a particular instructional method or in a particular instructional setting in order to receive funding under this title.

SEC. 107. REPEALS.

The following provisions are repealed:

(1) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(2) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(3) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(4) Titles II, III, and IV of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6121 et seq., 6171 et seq., and 6191 et seq.).

(5) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(6) Section 1503 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6493).

(7) Section 1002(g)(2) of the Elementary and Secondary Education Act of 1965.

(8) Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.).

(9) Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641 et seq.).

(10) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(11) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(12) Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.).

(13) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7311 et seq.).

(14) Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(15) Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.).

(16) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(17) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(18) Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.).

(19) Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.).

(20) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(21) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(22) Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.).

(23) Part K of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.).

(24) Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351 et seq.).

(25) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(26) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(27) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $2,740,000,000 for fiscal year 1999; $2,800,000,000 for fiscal year 2000; $2,870,000,000 for fiscal year 2001; $2,940,000,000 for fiscal year 2002; and $3,001,000,000 for fiscal year 2003.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. EXPANSION OF ED-FLEX DEMONSTRATIONS.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

(B) the State educational agency has waived, or agrees to waive, similar requirements of State law;

(C) in the case of a statewide waiver, the State educational agency—

(i) provides all local educational agencies and parent organizations in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) APPLICATION.—(A)(i) To request a waiver under paragraph (1), a local educational agency or school that receives funds under this title, or a local educational agency or school shall transmit an application for such a waiver to the State educational agency. The State educational agency then shall submit approved applications for waivers under paragraph (1) to the Secretary.

(ii) A State educational agency may request a waiver under paragraph (1) by submitting an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State educational agency or local educational agency or school intends to achieve;

(ii) describe the action that the State educational agency has undertaken to remove State statutory or regulatory barriers identified in the application of local educational agencies;

(iii) describe the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describe the numbers and types of students to be impacted by such waiver;

(v) describe a timetable for implementing a waiver; and

(vi) describe the process the State educational agency will use to monitor, on a biannual basis, the progress in implementing a waiver.

(3) TIMELINESS.—The Secretary shall act promptly on a request for a waiver under paragraph (1) and shall provide a written statement of the reasons for granting or denying such request.

(4) DURATION.—Each waiver under paragraph (1) shall be for a period not to exceed 4 years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

(4) Title VIII of the Elementary and Secondary Education Act of 1965.

(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver under subsection (a)(1) and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility demonstration program under which the Secretary authorizes not more than 50 State educational agencies serving eligible States to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three State educational agencies serving eligible States that each have a population of 3,500,000 or greater and three State educational agencies serving eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each State educational agency desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive educational reform, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local

educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each State educational agency participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of a State educational agency under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(f) ACCOUNTABILITY.—In deciding whether to extend a request for a waiver under subsection (a)(1), or a State educational agency's authority to issue waivers under subsection (e), the Secretary shall review the progress of the State educational agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii).

(g) PUBLICATION.—A notice of the Secretary's decision to grant waivers under subsection (a)(1) and to authorize State educational agencies to issue waivers under subsection (e) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 202. EXPANSION OF SCHOOLWIDE PROGRAMS.

Section 1114(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) is amended by striking "if, for the initial year of the schoolwide program" and all that follows through the end and inserting a period.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–726.

Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment number 1 printed in House Report 105–726.

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 105–726 offered by Mrs. MINK of Hawaii:

Page 17, strike lines 11 through 13.

The CHAIRMAN. Pursuant to House Resolution 543, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

REQUEST FOR MODIFICATION OF AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I ask unanimous consent that my amendment be modified to include the Alaska Native Education Act.

Mr. GOODLING. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. MINK of Hawaii. Madam Chairman, I yield myself such time as I may consume.

The inclusion of the Native American in Alaska and Hawaii in this list of 31 programs that are to be block granted is wholly inappropriate and basically inexplicable. The whole purpose of this list, as I have been able to rationalize it, is that presumably those programs were to have some national perspective and, therefore, lumping all of the monies in these programs into one block grant and allowing the States to make a decision as to which ones they wanted funded was the purpose of the legislation.

Unfortunately, in drafting the list of 31 programs, the majority included the Alaska Native Education Program and the Hawaii Native Education Act. And it makes no sense, because these two programs are designated specifically for the Native American population in these two States. To take the monies away from this program and put it into a block grant making the total dollars available for the entire Nation and sacrificing these two designated programs is absolutely untenable.

The Native Hawaiian Education Act was established by Congress in 1988 and it was part of the Federal Government's assumption of responsibility for the Native Americans that were in the State of Hawaii. That was true also for the Alaskan native peoples as well.

The program is comprised of 6 programs and is funded in fiscal year 1998 at $18 million. To completely obliterate this special funding denies my State and the Native American population in my State of $18 million and puts this whole funding into a national pot.

Notwithstanding what the majority has been saying about the funding, I have been advised that if this bill is enacted into law, that my State will lose 67 percent of the funding based upon the current level of funding in our programs, and Alaska will lose 52 percent, and we are the two States with the highest loss. That is directly attributable to the loss of this specific funding, which we would otherwise be entitled to receive.

The Congress has a unique responsibility to Native Americans. There are no other Native American programs that are included in the 31 that are being eliminated, except for Hawaii and Alaska. It is a basic failure to understand the purpose and policies that were behind the enactment of these special laws.

The Native Hawaiian Education Act is an acknowledgment of the Federal Government's responsibility for the improvement of the quality of education, the quality of health and other areas of our native population.

Therefore, I hope that this House will recognize the uniqueness of these two programs and support the amendment that I have offered.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. BOEHNER), our leader.

Mr. BOEHNER. Madam Chairman, I thank the gentleman from Pennsylvania, the chairman of the committee, for yielding me time on this very important amendment offered by our good friend from Hawaii.

About four years ago I offered an amendment on this floor during the appropriations process to eliminate this $5 million program called the Native Hawaiian Education program, intended to provide some money to help in the education of native Hawaiian children. The reason for that is very simple. In Hawaii there is the Bishop estate left by the heir to King Kamehameha and this Bishop estate has a $10 billion endowment. That is $10 billion.

Their sole purpose, their sole charter is to educate native Hawaiian children.

This estate has squandered this money for a number of years to the point where the school that receives this funding of the amendment offered by my friend from Hawaii, this school is being investigated by the Attorney General in the State of Hawaii. The school is being audited, investigated by the Internal Revenue Service. The

trustees of this Bishop estate are paid, in 1996, $843,109, $843,000 to each trustee, more than what most CEOs in America are paid.

I think the Bishop estate has its own series of problems. The Clinton administration, in 1997, zero funded this same program because they said that the services provided by the special $5 million grant were already covered under other programs that these children would qualify for.

This is nothing more than $5 million worth of extra pork intended to go to one State. It is unnecessary, and the amendment should absolutely be defeated.

Mrs. MINK of Hawaii. Madam Chairman, I yield the balance of my time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, it is very difficult to talk about the amendment which we have in front of us when the gentleman from Ohio (Mr. BOEHNER) has brought up an entirely extraneous point.

I hope the chairman will recognize this stuff and that this has nothing to do with the amendment. The estate that he is talking about is involved with a private school. We are talking about public funds here that go to public schools. It has absolutely nothing to do with the Bishop estate, with the Kamehameha school. None of this money goes to that school or to the estate.

This is a completely extraneous issue, and I beg the Members, please, not to be, I will say misled, because maybe the gentleman from Ohio (Mr. BOEHNER) has a misconception. I would be happy to discuss it with him at some other point. Our amendment has to do with this block grant proposal. I indicated to the chairman yesterday and to the gentleman from New York (Mr. SOLOMON) that we were not arguing with the block grant proposal. That is an argument for another day.

What we are saying is that we will be eliminated. The gentleman from Ohio (Mr. BOEHNER) himself used the word "eliminate" because that was the object. We would be eliminated, as would the native Alaskans. So all we are asking for is consideration, not an exception but consideration to be included. If this amendment does not pass, the likelihood of our being able to be included in the block grant in any way that would allow us to adequately participate in any of these programs is virtually eliminated.

I beg the Members, we can argue at length, and I would be happy to do it, not argue but discuss at length the efficacy of the gentleman from Ohio's (Mr. BOEHNER) remarks in another context. But with this particular amendment, I urge with all the sincerity that I can that we not confuse the issue of the public schools, the money to go to children that would otherwise not necessarily have the opportunity if the amendment does not pass.

Mr. GOODLING. Madam Chairman, I yield myself the balance of my time.

Because I have the greatest admiration and respect for the gentlewoman from Hawaii and because I enjoy her company, publicly, that is, better make that clear, I am going to ask everyone to vote no on her amendment.

Why would I do that if I have that much respect for her? Because I want to give her more than 18 million to spend. At the present time she can only spend 18 million on her program, only 18 million. With this program that we are offering, she can spend the total, the total allocation of all of these programs on that one specific program.

Now, I am sure that the State of Hawaii will not neglect their obligation to native Hawaiians. In fact, she assured me that would not happen. So I want Members to vote no on the gentlewoman's amendment because I want her to be able to spend more than 18 million, and the only way she can do that is if we defeat her amendment and pass the underlying legislation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MINK of Hawaii. Madam Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 543, further proceedings on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–726.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Madam Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute printed in House Report 105–726 offered by Mr. MARTINEZ:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Class-Size Reduction and Teacher Quality Act of 1998".

(b) FINDINGS.—The Congress finds the following:

(1) Rigorous research has shown that students attending small classes in the early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist through at least the elementary grades.

(2) The benefits of smaller classes are greatest for lower-achieving, minority, poor, and inner-city children. One study found that urban fourth-graders in smaller-than-average classes were three-quarters of a school year ahead of their counterparts in larger-than-average classes.

(3) Teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other tasks, and cover more material effectively, and are better able to work with parents to further their children's education.

(4) Smaller classes allow teachers to identify and work more effectively with students who have learning disabilities and, potentially, can reduce those students' need for special education services in the later grades.

(5) Students in smaller classes are able to become more actively engaged in learning than their peers in large classes.

(6) Efforts to improve educational achievement by reducing class sizes in the early grades are likely to be more successful if well-prepared teachers are hired and appropriately assigned to fill additional classroom positions and if teachers receive intensive, continuing training in working effectively in smaller classroom settings.

(7) Several States have begun a serious effort to reduce class sizes in the early elementary grades, but these actions may be impeded by financial limitations or difficulties in hiring well-prepared teachers.

(8) The Federal Government can assist in this effort by providing funding for class-size reductions in grades one through three, and by helping to ensure that the new teachers brought into the classroom are well prepared.

SEC. 2. PURPOSE.

The purpose of this Act is to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a seven-year period in order to—

(1) reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per classroom; and

(2) improve teaching in the early grades so that all students can learn to read independently and well by the end of the third grade.

SEC. 3. PROGRAM FUNDING.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,100,000,000 for fiscal year 1999, $1,300,000,000 for fiscal year 2000, $1,500,000,000 for fiscal year 2001, $1,700,000,000 for fiscal year 2002, $1,735,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, and $2,800,000,000 for each of the fiscal years 2005 through 2008.

SEC. 4. ALLOCATIONS TO STATES.

(a) RESERVATION FOR EVALUATION.—From the amount appropriated pursuant to section 3 for each fiscal year, the Secretary may reserve up to $2 million to carry out the evaluation described in section 13.

(b) RESERVATION FOR THE OUTLYING AREAS AND THE BUREAU OF INDIAN AFFAIRS.—Of the amount appropriated pursuant to section 3 for each fiscal year and remaining after any reservation under subsection (a), the Secretary shall reserve a total of not more than 1 percent to make payments, on the basis of their respective needs, to—

(1) American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands for activities, approved by the Secretary, consistent with this Act; and

(2) the Secretary of the Interior for activities, approved by the Secretary, consistent with this Act in schools operated or supported by the Bureau of Indian Affairs.

(c) ALLOCATIONS TO STATES.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate to each State an amount that bears the same relationship to the remaining amount as the amount of funding the State received under section 1122 of the Elementary and Secondary Education Act of 1965 for the previous fiscal year bore to the total amount available for allocation under that section.

(2) If any State chooses not to participate in the program under this Act, or fails to submit an approvable application, the Secretary shall reallocate its allocation to the remaining States, in accordance with paragraph (1).

SEC. 5. APPLICATIONS.

(a) APPLICATION REQUIRED.—The State educational agency of each State desiring to receive a grant under this Act shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application shall include—

(1) the State's goals for using funds under this Act to reduce average class sizes in regular classrooms in grades 1 through 3, including—

(A) a description of current regular classroom class sizes in the local educational agencies of the State;

(B) a description of the State's plan for using funds under this Act to reduce the average class size in regular classrooms in those grades; and

(C) the regular classroom class-size goals the State intends to reach and a justification for those goals;

(2) a description of the State educational agency's plan for allocating program funds within the State, including—

(A) an estimate of the impact of those allocations on class sizes in the individual local educational agencies of the State;

(B) an assurance that the State educational agency will make this plan public within the State; and

(C) a description of the current and projected capacity of the State's school facilities to accommodate reduced class sizes;

(3) a description of the State educational agency's strategy for improving teacher quality in grades 1 through 3 within the State (which may be part of a broader strategy to improve teacher quality generally), including—

(A) the actions it will take to ensure the availability, within the State, of a pool of well-prepared, certified teachers to fill the positions created with funds under this Act; and

(B) a description of how the State educational agency and the local educational agencies in the State will ensure that—

(i) individuals hired for positions created with program funds (which may include individuals who have pursued "alternative routes" to certification) will meet all of the State's current requirements for full certification, or will be making satisfactory progress toward achieving full certification within three years;

(ii) teachers in first through third grade will be prepared to teach reading effectively to all children, including those with special needs, and will take part in continuing professional development in effective reading instruction and in teaching effectively in small classes; and

(iii) individuals hired as beginning teachers in first through third grade will be required to pass a teacher competency test selected by the State;

(4) a description of how the State will use other funds, including other Federal funds, to improve teacher quality and reading achievement within the State;

(5) a description of how the State will hold local educational agencies that use a significant portion of their allocations under section 8(a)(2)(B) accountable for that use of funds;

(6) an assurance that the local educational agency and its schools will comply with the requirements of subsections (a) and (b) of section 11; and

(7) an assurance that the State educational agency will submit such reports and information as the Secretary may reasonably require.

(c) APPROVAL OF APPLICATIONS.—The Secretary shall approve a State's application if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this Act.

SEC. 6. WITHIN-STATE ALLOCATIONS.

(a) STATE-LEVEL EXPENSES.—Each State may use not more than a total of one-half of one percent of the amount it receives under this part for any fiscal year or $50,000, whichever is greater, for the administration costs of the State educational agency and for State-level activities described in section 7.

(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—(1) Each State shall use the remainder of its allocation to make subgrants to local educational agencies, for the purpose of reducing class size and improving instruction in grades 1 through 3, on the basis of—

(A) current or projected regular classroom class sizes in grades 1 through 3 in those agencies; and

(B) the relative ability and effort of those agencies to finance class-size reductions with their own funds.

(2) Each State shall make the allocations described in paragraph (1) in such manner as to enable local educational agencies to reduce their average class sizes in regular classrooms, in grades 1 through 3, to the average class size proposed in the State application.

(3) Notwithstanding paragraph (2), each State shall ensure, in allocating funds under this subsection, that each local educational agency in which at least 30 percent of the children are from low-income families, or in which there are at least 10,000 children from such families, receives at least the same share of those funds as it received of the State's allocation under section 1122 of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(c) MAINTENANCE OF EFFORT.—(1) A local educational agency may receive an allocation under this section for any fiscal year only if it submits to, or has on file with, the State educational agency an assurance that it will spend at least as much from non-Federal sources as it spent in the previous year for the combination of—

(A) teachers in regular classrooms in grades 1 through 3 in schools receiving benefits under this Act; and

(B) the quality-improvement activities described in section 8(b).

(2) The Secretary may waive or modify the requirement of paragraph (1) for a local educational agency if the Secretary determines that doing so would be equitable due to exceptional or uncontrollable circumstances affecting that agency.

SEC. 7. STATE-LEVEL ACTIVITIES.

East State educational agency may use the funds it reserves for State-level activities under section 6(a) to carry out activities described in its application, which may include such activities as—

(1) strengthening State teacher licensure and certification standards;

(2) developing or strengthening, and administering, teacher competency tests for beginning teachers; and

(3) program monitoring and other administrative costs associated with operating the program.

SEC. 8. USES OF FUNDS.

(a) IN GENERAL.—(1) Each local educational agency shall use all funds it receives from the State under this Act, except for funds it reserves under subsection (b), to pay the salaries of, and benefits for, the additional teachers needed to reduce class sizes in grades 1 through 3 to the level set by the State as its goal in the State application.

(2) A local educational agency that has already reached this level may use those funds to—

(A) make further class-size reductions in grades 1 through 3;

(B) reduce class sizes in kindergarten or other grades; or

(C) undertake quality-improvement activities under subsection (b).

(b) QUALITY IMPROVEMENT.—(1) Each local educational agency shall use at least 10 percent of the funds it receives under this Act for each of the fiscal years 1999 through 2003 for activities to ensure that teachers who will teach smaller classes are prepared to teach reading and other subjects effectively in a smaller class setting.

(2) The activities described in paragraph (1) may include—

(A) training teachers in effective reading instructional practices (including practices for teaching students who experience initial difficulty in learning to read) and in effective instructional practices in small classes;

(B) paying the costs for uncertified teachers hired in grades 1 through 3 to obtain full certification within three years;

(C) providing mentors or other support for teachers in grades 1 through 3;

(D) improving recruitment of teachers for schools that have a particularly difficult time hiring certified instructors; and

(E) providing scholarships or other aid for education and education-related expenses to paraprofessionals or undergraduate students in order to expand the pool of well-prepared and certified teachers.

SEC. 9. COST-SHARING REQUIREMENT.

(a) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this Act may be up to 100 percent in local educational agencies with child-poverty levels greater than 40 percent, but shall be no more than—

(1) 95 percent in local educational agencies with child-poverty rates of more than 30 percent but not more than 40 percent;

(2) 85 percent in local educational agencies with child-poverty rates of more than 20 percent but not more than 30 percent;

(3) 75 percent in local educational agencies with child-poverty rates of more than 10 percent but not more than 20 percent; and

(4) 65 percent in local educational agencies with child-poverty rates of not more than 10 percent.

(b) LOCAL SHARE.—A local educational agency shall provide the non-Federal share of a project under this Act through cash expenditures from non-Federal sources, except that if an agency has allocated funds under section 1113(c) of the Elementary and Secondary Education Act of 1965 to one or more schoolwide programs under section 1114 of that Act, it may use those funds for the non-

Federal share of activities under this program that benefit those schoolwide programs, to the extent consistent with section 1120A(c) of that Act and notwithstanding section 1114(a)(3)(B) of that Act.

SEC. 10. CARRYOVER OF FUNDS.

Notwithstanding any other provision of law, any funds received under this Act by a State or by a local educational agency shall remain available for obligation and expenditure by the State or local agency for one fiscal year beyond the fiscal year described in section 421(b) of the General Educational Provisions Act.

SEC. 11. ACCOUNTABILITY.

(a) SCHOOL REPORT.—Each school benefitting from the program under this Act, or the local educational agency for that school, shall produce an annual report to parents and the general public on its student achievement in reading (using available evidence of reading achievement of its students in grades 1 through 5 and the assessments the State uses under part A of title I of the Elementary and Secondary Education Act of 1965, disaggregated as required under that part), average class size in its regular classrooms, and teacher certification and related academic qualifications in grades 1 through 3.

(b) LOCAL EDUCATIONAL AGENCY REPORTS.—(1) INTERM REPORTS.—Each local educational agency shall provide each year, to its State educational agency, a report summarizing the information reported by, or for, its schools under subsection (a).

(2) SUBSEQUENT REPORTS.—Within three years of receiving funding under this Act, and each year thereafter, each local educational agency shall provide evidence, to its State educational agency, of the reading achievement of its students, in grade 3, 4, or 5 in schools served under this Act, which shall be—

(A) in a form determined by the State educational agency;

(B) based on the assessments that the local educational agency is using under title I of the Elementary and Secondary Education Act of 1965, or on comparably rigorous State or local assessments; and

(C) disaggregated to show the achievement of students in individual schools and of students separately by race and by gender, as well as for students with disabilities, students with limited English proficiency, migrant students, and students who are economically disadvantaged.

(c) PROGRAM-IMPROVEMENT PLAN.—A local educational agency with schools that fail to show improvement in reading achievement within three years of receiving funds under this Act shall, with the approval of the State educational agency, develop and implement a program-improvement plan to improve student performance.

(d) REDUCED LOCAL ALLOCATIONS.—If a school participating in the program under this Act fails to show improvement in reading achievement of its students within two years after the local educational agency develops a plan subsection (b), the State educational agency shall reduce the allocation to that local agency by an amount equal to the share of the local agency's allocation attributable to that school.

SEC. 12. PARTICIPATION OF PRIVATE SCHOOL TEACHERS.

Each local educational agency receiving funds under this Act shall, after timely and meaningful consultation with appropriate private school officials, provide for the inclusion (in a manner proportionate to the number of children residing in the area served by the agency's project under this Act who attend private schools) of private school teachers in the professional-development activities the agency and its schools carry out with those funds.

SEC. 13. EVALUATION.

With funds reserved under section 4(a), the Secretary shall carry out an evaluation of the program authorized by this Act, including a measurement of its effectiveness in accordance with the Government Performance and Results Act of 1993.

SEC. 14. WAIVERS.

The Secretary may, at the request of a State educational agency, waiver or modify a requirement of this Act if the Secretary determines that such requirement impedes the ability of the State to carry out the purpose of this Act and that providing a waiver would better promote the purpose of this Act.

SEC. 15. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101(18) (A) and (B) of the Elementary and Secondary Education Act of 1965.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(3) STATE.—The term "State" means each of the 50 States, the District of Columbia, and Puerto Rico.

The CHAIRMAN. Pursuant to House Resolution 543, the gentleman from California (Mr. MARTINEZ) and a Member opposed, each will control 30 minutes.

□ 1030

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) claim the time in opposition?

Mr. GOODLING. I claim the time in opposition, Madam Chairman.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) will control 30 minutes in opposition.

The gentleman from California (Mr. Martinez) is recognized.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume.

The amendment I have will establish an initiative to reduce class sizes in grades 1, 2, and 3 to an average of 18 students per class by the year 2005. It would enable schools to hire over 100,000 additional teachers and would require school districts to contribute matching funds, with the amount of the match depending on the level of poverty in the district. Funds could be used to recruit, train, and pay teacher salaries of the additional teachers necessary to reduce the class size, and to ensure that all teachers are equipped with the latest and most successful instructional techniques. In ensuring this program has strong accountability provisions, school districts would be required to demonstrate how reduced class sizes are resulting in increased student achievement.

This amendment would help make sure that every child receives personal attention, gets a solid foundation for further learning, and learns to read independently by the end of the third grade. The impact of reducing class size was highlighted in the recent report issued by the Department of Education, "Reducing Class Size: What Do We Know?" This report reached three conclusions:

Research shows that smaller classes promote student achievement in early grades. The significant effect of class size reduction on student achievement appears when class size is reduced to the point between 15 and 20 students. If class size is reduced from substantially more than 20 students per class to below 20 students, the related increase in student achievement moves the average student from the 50th percentile up to the 60th percentile. For disadvantaged minorities, the effect is even larger.

Students and teachers and parents report positive effects from the impact of class size reduction on the quality of classroom activity. Most importantly, the study shows that 25 States already have started or are considering some sort of class size reduction initiative showing how this initiative truly has widespread support.

Madam Chairman, I believe this amendment is a critically important aspect of the education reform for today's schools and urge all Members to support its adoption.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment. This amendment is just the opposite of what we should be trying to do if we really are interested in reform in local school districts.

One size fits all has no place in this debate whatsoever. That has been the problem. With the money they now get, they can take it all and reduce class size. That is the beauty of this. If that is their most important initiative. But let me tell my colleagues, there had better be another initiative that is even more important, and that is teacher preparation. I do not care what size the class may be in relationship to students, if there is not a competent teacher in that classroom, it is not going to make a difference. Many sisters who taught in large classes for years will attest to that. It was the excellence of the teacher and the control of the teacher of the classroom.

So I do not want to tell somebody that they have to use this money to reduce class size. I want to tell them if that is what they want to do, that is allowable. And if they are going to prepare the teachers for those reduced classes, that is allowable. So the beauty of what the gentleman from Pennsylvania (Mr. PITTS) is offering is the fact that it gives those local areas the opportunity to determine what they

need most in order to improve education in their local area. And that is what we should be considering.

We have to forget the bureaucrats who are campaigning against any changes because of what they get as far as the bureaucracy is concerned. And many of them are private, and they still get these grants. Many of them are grants that they do not even have to compete. So, again, let us not mix apples and oranges.

We have a golden opportunity. If in our districts we want to reduce class size, we can use the money for that purpose. If we want to better prepare teachers so that they can better teach, we can use it for that. If we want to use it because the equipment and the textbooks and so on are in bad shape, it can be used for that. It can be used for a combination of things. But, please, do not come here and tell the local district one more time that we, in Washington, D.C., have all the answers and they can only use the money specifically as we say, one size fits all.

Let me close just by again reminding everyone: The money that is available here can be used for the same activities that they have been using the money for in the past. What we take away is the one size fits all, we take away the paperwork, and we give them the flexibility to determine what is most important in their local district to improve education for all children.

Madam Chairman, I reserve the balance of my time.

Mr. MARTINEZ. Madam Chairman, I yield myself such time as I may consume to just comment that the gentleman has just said it: They can use the money for anything they feel like. So that if those programs that have been protected for so long by the national interest are not of vital concern to that locality, they will not use the money for it. So, in reality, the beauty of this, as they see it, is that these things may never happen.

Madam Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I rise in support of the amendment to reduce class size and opposition to the underlying bill.

Because I wish I were as wealthy as Bill Gates does not mean I am. If I wish that I could be as great a basketball player as Michael Jordan, it does not mean I am. And this debate is not about what we wish, it is not about families. Because I even agree with the philosophy of trying to drive more dollars to our local schools and classrooms and that parents and teachers should be in charge. This debate is not about families, it is about facts. It is about where this money is and where it actually goes.

To get to the facts, with all due respect, we said, let us see how all 50 States come out of this formula from this block grant that the chairman has devised, and so we said that we would not use the chairman's number, out of all due respect, and we would not use the Department of Education numbers either, and we would not use the Democrat or Republican numbers. We went to the CRS. The Congressional Research Service is a bipartisan organization. We wanted to see what they say, with the thick glasses and the green eyeshades and pounding the statistics.

Well, here are the facts: They say 27 States lose money. Twenty-seven States lose money.

Fact one. When we send money to the State and the local schools, 27 States come out lower under this bill.

Fact two. And we all know this is a fact. We can authorize and wish and hope and pray under this committee that we are going to get this money, but when the appropriation committee cuts this money by $550 million, a half a billion dollars cut, more States lose money.

So the fact of the matter is, my colleagues, look at the CRS money.

This is not a debate on a philosophy that I think we all disagree on: Trying to get our parents and teachers more involved in our local schools, trying to get our families more involved. It is not over promising to the parents and others that they are going to get all this money. Let us be truthful. Let us be real. Let us look at the facts.

The second point on this amendment. If we are going to make a difference in schools, it is with charter schools and public choice, it is with better trained teachers, it is with accountability and family involvement, and it is with discipline. And, with this amendment, it is with more teachers, better-trained teachers, and less children in the classroom.

This amendment, if we are going to make a difference, as this amendment does, reduces the average class size from 26 to 18. A teacher is teaching 18 children rather than 26. That is a huge difference. In Indiana, we have the Indiana prime time in first grades, where when we do this, reading scores are going up and up and up.

Let us make a difference, making the hard choices, providing more teachers and providing better ratios for our teachers in our schools. Vote for the Clay amendment.

Mr. GOODLING. Madam Chairman, I yield myself such time as I may consume, before yielding to my colleague from Pennsylvania, to make sure everybody understands that fact one is totally wrong. CRS has made it very clear that that is totally wrong. And, in fact, in fact one he is again mixing apples and oranges. He is talking about an appropriation bill. We do not know what the appropriation bill will be when it is completed. I will guarantee it will be more, as it always is every year.

Fact two. Completely wrong. Mixing apples and oranges, because he is talking about an appropriation bill. CRS did this very clearly, very carefully, and the State of Indiana will receive $5,432,568 more down to the classroom to help reduce class size and to help better prepare teachers.

Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, again the Democrats are cooking the books. This amendment takes away the States' flexibility that we are trying to provide under our bill. It is based on the philosophy that the Federal Government knows best. The States and local districts should be making the decisions about how best to achieve the goal of improved student performance.

Under this amendment, States are allowed to use only one-half of 1 percent of their funds to carry out activities relating to improving teacher quality. At the local level such use of funds are only allowable after they have met certain specific targets in class size reduction. In effect, this amendment puts a very low priority on the importance of teacher quality and too much faith in the benefits of class size reduction.

In fact, teacher quality is more important than class size. After all, what good is a classroom of 20 or 10 or even 5 students if the teacher has no idea about the subject in which he or she is teaching? We have seen massive class size reduction efforts in several States that have led to negative impacts in certain poor and rural areas where already they are experiencing shortage of qualified teachers. A mandate that further reduces class size will, in effect, force them to hire more inexperienced and unqualified teachers with emergency license.

This amendment will only force thousands more children to be sent into trailers parked in the backs of schools. Is this what the supporters of this amendment really want? The quality of the teacher is much more important. We should emphasize that and let the local districts and the States, who understand that, have that flexibility.

Mr. MARTINEZ. Madam Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I thank the ranking member from California for yielding me this time, and would ask that Members study the CRS numbers, which I will submit for the RECORD, and see for themselves the 27 States that are cut under this funding.

I think it is very important for my colleagues to be able to see not what the Republican committee has put together, not what the Democratic administration at the Department of Education has put together, but what the nonpartisan number crunchers at CRS have put together. I would ask Members to look at the 27 States that

are cut under those figures. And more States will be cut under that table when the Committee on Appropriations follows through on a $550 million cut in the appropriations process, when that bill comes to the floor.

Now, the committee chairman says it is apples and oranges. We all know that an authorization bill is directly tied to the appropriation bill and the appropriators determine the funding level. That is fact.

Madam Chairman, the tables I referred to above are submitted herewith:

Alaska—52.3% ($11,395,724)
Young
Connecticut—8.5% ($2,566,669)
Shaps
Johnson
Delaware—13.2% ($1,538,907)
Castle
D.C.—66.2% ($19,594,406)
Hawaii—67.5% ($23,428,242)
Idaho—7.8% ($1,022,722)
Chenoweth
Crapo
Iowa—39.8% ($15,248,832)
Leach
Nussle
Ganske
Latham
Kansas—0.6% ($151,556)
Moran
Ryun
Snowbarger
Tiahrt
Louisiana—5.3% ($3,293,031)
Livingston
Tauzin
McCrery
Cooksey
Baker
Maryland—3.7% ($1,617,157)
Gilchrest
Ehrlich
Bartlett
Morella
Massachusetts—10.1% ($6,040,778)
Montana—12.2% ($1,590,614)
Hill
Nebraska—31.7% ($6,830,260)
Bereuter
Christensen
Barrett
Nevada—2.0% ($257,989)
Ensign
Gibbons
New Hampshire—17.3% ($2,296,611)
Sununu
Bass
New Mexico—18.5% ($4,841,853)
Wilson
Skeen
Redmond
North Dakota—22.0% ($2,851,323)
Oklahoma—5.5% ($1,916,615)
Largent
Coburn
Watkins
Watts
Istook
Lucas
Oregon—0.9% ($268,893)
Smith
Rhode Island—29.5% ($4,738,033)
South Carolina—0.7% ($242,524)
Sanford
Spence
Graham
Inglis
South Dakota—25.9% ($3,693,337)
Thune
Utah—13.1% ($2,840,436)
Hansen
Cook
Cannon
Vermont—17.4% ($2,075,763)
Virginia—4.3% ($2,241,574)
Bateman
Goodlatte
Bliley
Wolf
Davis
Washington—16.5% ($9,409,741)
White
Metcalf
Smith
Hastings
Nethercutt
Dunn
West Virginia—10.8% ($2,635,214)
Wyoming—17.4% ($2,032,323)
Cubin

TABLE 11C.—ESTIMATED STATE ALLOCATIONS UNDER H.R. 3248, AS ORDERED TO BE REPORTED, COMPARED TO ESTIMATES PREPARED BY THE U.S. DEPARTMENT OF EDUCATION (ED) OF FY1998 GRANTS UNDER ALL PROGRAMS PROPOSED TO BE CONSOLIDATED UNDER H.R. 3248

[H.R. 3248 Estimates: An Amount Equal to FY1998 Allocations Under Formula Grant Programs To Be Consolidated Is First Allocated To Each State, Next, Remaining Block Grant Appropriations (Assumed To Be Equal To $2.74 Billion Minus the Formula Grant Portion) Are Allocated With 50% In Proportion To ESEA Title I, Part A Grants And 50% In Proportion To Population Aged 5–17. Grants Are Estimated At The Maximum Authorized Level For FY1999.]

[ED Estimates of FY1998 Grants: Include Actual Or Projected Grants Under All Programs Proposed To Be Consolidated. For Grants to Entities That Provide Services Nationwide, Funds Are Spread Among All States, In Proportion To Population Aged 5–17. Data Were Received From ED on Sept. 15, 1998.]

State	Total estimated grant under H.R. 3248 at FY1999 authorized level	ED estimates of total FY1998 grants	Percentage difference
Alabama	$43,427,000	$37,847,464	14.7
Alaska	10,396,000	21,791,724	−52.3
Arizona	42,557,000	39,586,425	7.5
Arkansas	26,450,000	21,687,428	22.0
California	315,580,000	298,178,752	5.8
Colorado	31,706,000	31,361,652	1.1
Connecticut	27,552,000	30,118,669	−8.5
Delaware	10,134,000	11,672,901	−13.2
District of Columbia	10,009,000	29,603,406	−66.2
Florida	126,307,000	120,603,903	4.7
Georgia	72,595,000	62,047,160	17.0
Hawaii	11,295,000	34,723,242	−67.5
Idaho	12,016,000	13,038,722	−7.8
Illinois	118,597,000	106,357,682	11.5
Indiana	48,734,000	47,454,205	2.7
Iowa	23,036,000	38,284,832	−39.8
Kansas	23,464,000	23,615,556	−0.6
Kentucky	42,372,000	37,141,163	14.1
Louisiana	59,024,000	62,317,031	−5.3
Maine	12,505,000	12,142,653	3.0
Maryland	42,122,000	43,739,157	−3.7
Massachusetts	53,801,000	59,841,778	−10.1
Michigan	109,986,000	90,721,762	21.2
Minnesota	40,119,000	36,383,455	10.3
Mississippi	37,531,000	32,293,424	16.2
Missouri	49,873,000	49,857,568	0.0
Montana	11,462,000	13,052,614	−12.2
Nebraska	14,727,000	21,557,260	−31.7
Nevada	12,648,000	12,905,989	−2.0
New Hampshire	10,987,000	13,283,611	−17.3
New Jersey	66,235,000	54,511,691	21.5
New Mexico	21,328,000	26,175,853	−18.3
New York	211,655,000	185,851,927	13.9
North Carolina	59,565,000	59,271,274	0.5
North Dakota	10,131,000	12,982,323	−22.0
Ohio	110,142,000	96,755,688	13.8
Oklahoma	32,982,000	34,898,615	−5.5
Oregon	28,316,000	28,584,893	−0.9
Pennsylvania	116,992,000	106,949,829	9.4
Rhode Island	11,349,000	16,087,033	−29.5
South Carolina	34,950,000	35,192,514	−0.7
South Dakota	10,562,000	14,255,337	−25.9
Tennessee	48,747,000	48,234,290	1.1
Texas	220,192,000	188,545,340	16.8
Utah	18,817,000	21,657,436	−13.1
Vermont	9,830,000	11,905,763	−17.4
Virginia	50,445,000	52,686,574	−4.3
Washington	47,584,000	56,993,741	−16.5
West Virginia	21,863,000	24,498,214	−10.8
Wisconsin	49,155,000	43,326,942	13.5
Wyoming	9,650,000	11,682,323	−17.4
Puerto Rico	71,099,000	51,413,604	38.3
Outlying Areas	13,700,000	12,140,665	12.8
BIA	13,700,000	9,749,076	40.5

TABLE 11C.—ESTIMATED STATE ALLOCATIONS UNDER H.R. 3248, AS ORDERED TO BE REPORTED, COMPARED TO ESTIMATES PREPARED BY THE U.S. DEPARTMENT OF EDUCATION (ED) OF FY1998 GRANTS UNDER ALL PROGRAMS PROPOSED TO BE CONSOLIDATED UNDER H.R. 3248—Continued

[H.R. 3248 Estimates: An Amount Equal to FY1998 Allocations Under Formula Grant Programs To Be Consolidated Is First Allocated To Each State, Next, Remaining Block Grant Appropriations (Assumed To Be Equal To $2.74 Billion Minus the Formula Grant Portion) Are Allocated With 50% In Proportion To ESEA Title I, Part A Grants And 50% In Proportion To Population Aged 5–17. Grants Are Estimated At The Maximum Authorized Level For FY1999.]

[ED Estimates of FY1998 Grants: Include Actual Or Projected Grants Under All Programs Proposed To Be Consolidated. For Grants to Entities That Provide Services Nationwide, Funds Are Spread Among All States, In Proportion To Population Aged 5–17. Data Were Received From ED on Sept. 15, 1998.]

State	Total estimated grant under H.R. 3248 at FY1999 authorized level	ED estimates of total FY1998 grants	Percentage difference
Other		28,726,870	na
Total	2,740,000,000	2,686,289,000	2.0

Table prepared by CRS on Sept. 16, 1998.

□ 1045

Mr. GOODLING. Madam Chairman, when the gentleman gets around to putting charts in the RECORD, I will put the CRS chart in that the CRS just recently sent us, which will disprove all of that.

Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA) a very important member of the committee who will be receiving $12,253,118 for her local classrooms through this legislation.

Mrs. ROUKEMA. Madam Chairman, I know we will put it to good use. Absolutely. Because in this legislation and, by the way, I oppose this gutting amendment, but in this legislation, not only are we giving that local discretion to the informed people at the local level who know what their choices are and what their needs are, but we have here a vast number of really good options open to them. I think the debate thus far has distorted the meaning of the options that are there at the local level. For example, the implication has been that you cannot have more teachers in the classroom. We not only have more teachers in the classroom but they can use it to decrease teacher-pupil ratio and increase professional development for teachers. I could go on about the various things. In fact, here in the report, there are a number with specificity to the professionalism and the way it is going to improve standards, whether it is math and science or computers right in the classroom. I want to stress, as a former teacher, as a former PTA President, and as a former school board member, we at the local level know where this money should be going. That is the best way to do this.

Finally, and I do not think it has been stressed enough, the State in this legislation must comply with reporting to Congress, and those requirements to report how the funds are spent. We are not just giving them a blank check

with total discretion. But they have to report back and explain exactly how, with precision, those funds were used to increase student achievement by the measurement of the State standards.

I urge defeat of this gutting amendment and support for the bill.

Madam Chairman, I rise in strong support of the legislation before us today.

It is time for the federal government to leave more decision, and send more money, to the local level.

This legislation will send 95%—that is 95%—of every dollar to the local school district. This is a $2.68 billion bill that we are discussing. Based on last year's figures, that is over $2.54 billion that will go directly to local school districts!

But that is just the money in the various programs. This bill also allows the schools to use their limited federal dollars to focus on the areas of most importance to that school district. They will not be tied to use funds in a program dictated by the federal government, but instead can make their own informed discretion—choices such as teachers in the classroom options, 27 uses, professional development, math and science instructions, computers, and teachers-pupil ratios.

This legislation allows the local school district to decide what program it wants to emphasize. This bill consolidates 31 separate federal education programs, and pools that money together to send to the local school districts.

It will be the local school district that decides whether to use that money on programs to combat illiteracy, efforts to reduce the pupil-teacher ratio, activities of comprehensive school reform, or any of a long list of allowable activities.

As a former teacher, PTA president, and school board member in my home community, I have always been active in the local school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about our school are made by that local community.

This bill would allow the schools the option of continuing any of these 31 programs in their own school. The great benefit is that the school is not tied to any one particular program, but instead could use the funds for whichever program the school chooses to emphasize.

(b) LOCAL USES OF FUNDS.—Funds made available under this section to a local educational agency shall be used for the following classroom services and activities:

(1) Programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program.

(2) Professional development for instructional staff.

(3) Programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.

(4) Efforts to lengthen the school day or the school year.

(5) Programs to combat illiteracy in the student population.

(6) Programs to provide for the educational needs of gifted and talented children.

(7) Promising education reform projects that are tied to State student content and performance standards.

(8) Carrying out comprehensive school reform programs that are based on reliable research.

(9) Programs that are built upon partnerships between local educational agencies and institutions of higher education, educational service agencies, libraries, businesses, regional educational laboratories, or other educational entities, for the purpose of providing educational services consistent with this section.

(11) The acquisition of books, materials and equipment, payment of compensation of instructional staff, and instructional activities that are necessary for the conduct of programs in magnet schools.

(12) Programs to promote academic achievement among women and girls.

(13) Programs to provide for the educational needs of children with limited English proficiency or who are American Indian, Alaska Native, or Native Hawaiian.

(14) Activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

(15) Efforts to reduce the pupil-teacher ratio.

(16) Projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

(17) Projects and programs to integrate arts education into the regular elementary and secondary school curriculum.

(18) Programs designed to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

(19) Mathematics and science education instructional materials.

(20) Programs designed to improve the quality of student writing and learning and the teaching of writing as a learning process.

(21) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to effectively use such equipment and software.

(22) Computer software and hardware for instructional use.

(23) Developing, adapting, or expanding existing and new applications of technology.

(24) Acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, and school library media personnel in the classroom or in school library media centers, in order to improve student learning.

(25) After-school programs designed to engage children in a constructive manner and to promote their academic, developmental, and personal growth;

(26) Developing, constructing, acquiring, maintaining, operating, and obtaining technical assistance in the use of telecommunications audio and visual facilities and equipment for use in the classroom.

(27) Developing, acquiring, and obtaining technical assistance in the use of educational and instructional video programming for use in the classroom.

We all read about the many concerns people have with schools today. This is one way to improve our schools.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I rise in strong support of the Clay amendment to reduce class size. We know that the size of the class and the quality of education go hand in hand and that overcrowded classrooms are one of the biggest obstacles to improving education for our children. We now have studies to confirm what parents and teachers have known for years. The smaller the class size, the better the learning experience. Even the very Republican governor of my home State of California has made smaller class size a priority for our State. But it costs money to reduce class size. Smaller classes mean training and hiring more teachers and building more classrooms. The Clay amendment will give school districts a good start toward smaller classes. Matching Federal and local funds could be used to recruit, to train, to pay the salaries of new teachers. Unlike the Dollars to the Classroom block grant, the Clay amendment holds schools accountable for the use of these funds. It requires school districts to show how reduced class size results in increased student achievement.

I urge my colleagues, vote for the Clay amendment. Turn H.R. 3248 from a bill that takes dollars from the classroom into a bill that improves education for all of our kids.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from Georgia, I want to make sure that no one thought that I was questioning the gentleman from Indiana's figures in relationship to the figures that he had. The figures that he had is a CRS study that includes nonprofits and nonschool district. We are only talking about money to the classroom in the local school district. That is a big difference.

Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD) another member of the committee who will receive $11,536,998 more to his local classrooms.

Mr. NORWOOD. Madam Chairman, we thank the chairman and, of course, we are delighted to see that. I want to point out that this is just the facts. This is just the facts, folks. We are going to get it right this particular time. I am really for reducing class size. That is important. But I am for each school district determining if they need to reduce their class size.

Madam Chairman, I rise in strong support of H.R. 3248, the Dollars to the Classroom Act. Guaranteeing that 95 percent of Federal funds for elementary and secondary schools is spent directly in the classroom and not on the bureaucracy is common sense.

A recent Department of Education study found that 15 percent of every Federal education dollar is eaten up by the Federal and State bureaucracy. I am sure they have got another study giving us another number. Everybody has got their studies. The bottom line

is we want this money to go to the students and go to the classrooms where people at home can make the decision about what is best for their children. Having it eaten up by the Federal government, that should not be so.

If we are going to spend Federal dollars and, remember, that is your dollars that you send up here for education and education programs, then we should make sure that these dollars support those people who actually teach our children.

That is not the only reason why I support Dollars to the Classroom. Under this bill, the great State of Georgia will receive an additional $26 million for education. With this legislation, each classroom in the 10th District of Georgia, and I thank the gentleman from Pennsylvania (Mr. GOODLING), will receive an average of 425 additional dollars. For a modest size, 20-classroom school at home, that can mean an additional $8,500. Madam Chairman, that is real money for our teachers and principals and students. Not only will this bill spend more Federal education dollars directly in the classroom, it gives our schools greater flexibility to receive money for any of the authorized uses for the existing 31 programs block-granted under the bill. Schools can choose to put a greater amount of moneys into priorities such as school safety or school reform or teacher improvement and technology if that is what that school determines it needs. Again, the key here is that with the Dollars to the Classroom Act, we let the schools decide what their priorities are.

I plead with my colleagues, do not let the Department of Education confuse you. We are going to increase the number of dollars in this bill. I ask my colleagues to support H.R. 3248.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, when Europe needed to be rebuilt after World War II, we came forward with a massive Marshall Plan, $20 billion to start and much more afterwards. When we needed to educate our GIs coming home from World War II, we passed a massive GI Bill of Rights education program and it did the job. Now we need to retool our schools. We really need a massive investment in education. What we are doing is playing Republican Chinese checkers, trivializing the whole problem by shifting money around, abolishing the Department of Education's authority and playing games by promising more money when it is the same amount of money basically that we have always had. I think the seriousness of the situation is better reflected in the statement being prepared for the superintendents who will be convening here from some of the country's most challenged school districts on Saturday.

They have prepared a statement which reads as follows: "We believe that there is a great necessity for an immediate meaningful Federal increased investment in education. Funds for school construction, class size reduction, technology and communications services must be at the core of an expanded Federal appropriation for education. The E-rate must be preserved as a permanent vehicle to lessen telecommunications costs. Additional categories of increased Federal financial assistance are needed and welcome. However, there are no substitute programs for the priorities set forth above. The preservation of the public school as an institution requires a highly visible assault on the problems which serve as monstrous roadblocks to school reform progress. A safe physical environment conducive to study is an absolute necessity."

We cannot have reduced class size unless we have more classrooms. In my district, several schools have twice the number of students they were built for. All the schools are over capacity in my district. There are several schools that still have furnaces which burn coal so the children who sit in those classrooms are endangered by coal smoke. On and on it goes.

We need a total package starting with the President's school construction package at the heart of a Federal investment in education which is adequate to meet today's needs.

Mr. MARTINEZ. Madam Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I rise in strong support of the ranking member's amendment. One of the really fundamental ways in which we can really direct dollars to the classroom which will have a meaningful, long-term benefit for our children is to establish a policy that the Federal Government is going to commit a block of money for the reduction of class size. In my State, this would be an enormous boon to the establishment of better quality education for a wide spectrum of our classrooms where children are still suffering under very, very large ratios of sometimes 30 or 32 students per classroom. We could ask the question, "Why don't you do something about the class size?" Well, basically the biggest difficulty that districts have is in the school construction area. So fundamentally, there probably should be an additional amendment which would go to school construction, because in order to lower class size, we have to find the accommodations for the classes. But basically if we are able to add 100,000 additional teachers to our school population of teachers throughout the country, this will bring an enormous benefit directly to the classroom, directly to the children. If this is the purported purpose of the majority's support of Federal educational programs, here is an opportunity to really support a direct program that will have a direct beneficial impact on the education of our children. Individualization of education through smaller class size is probably the best way in which we can improve quality education for our children. This is not simply a way in which Federal moneys pour in. It requires school districts to contribute matching funds. I am in full support of this program, this amendment, and I urge this House to adopt it.

Mr. GOODLING. Madam Chairman, before yielding to the gentleman from New York, I would merely say that there are several hundred thousand teachers presently working at other jobs because they cannot find teaching jobs where they want to teach. It would be amazing if we all of a sudden decided we ought to create 100,000 more since there is no study that indicates that there is any shortage now or will be in the near future. As I said, hundreds of thousands of teachers are now working at other jobs.

Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA) who like the other gentleman from New York who just spoke will receive in his State an additional $13 million going to the classrooms.

Mr. FOSSELLA. I thank the gentleman for yielding time.

Madam Chairman, I appreciate the intent of the sponsor of this amendment to improve education for all children across this country. However, I believe that the Dollars to the Classroom legislation is quite simply better.

In short, we believe that the State of New York and specifically the people of Staten Island and Brooklyn deserve the flexibility and the autonomy to spend their tax dollars as they see fit.

The reality as we heard is that with the Dollars to the Classroom legislation, the State of New York or the State of Hawaii or the State of Indiana can spend the money as they see fit. If they want to go out and hire more teachers, they can do so.

□ 1100

If P.S. 4 in Staten Island decides they want to start a softball team they can do so. If P.S. 36 wants to expand the size of the classrooms or limit the size of the classrooms; that is, the number of students in that classroom, they can do so under this legislation.

As my colleagues know, it is important to look at those who defend the status quo as opposed to those who really and truly want to seek ways to improve quality of education in this country. Yes, education is a national issue, but we believe it is a local responsibility, and getting the money from Washington, from Albany, down to Staten Island and Brooklyn is the right approach.

Just look at the last couple of months. Education savings accounts

where we wanted to provide parents the opportunity to set money aside tax free to spend on their child's education, passed this House narrowly, passed the Senate, vetoed by the President. Opportunity Scholarships, 2,000 to the poorest children in the Washington, D.C. school system to allow them to escape the horror of the public school system in Washington, D.C., passed this House narrowly in the Senate, threatened veto by the President and all the defenders of the status quo. Once again we see it here, people who are truly concerned about giving parents and teachers and local school boards the responsibility, the flexibility, the autonomy to make the decisions best for their children, we see the defenders of the status quo.

Once again, I urge the adoption of Dollars to the Classroom.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I rise with harboring deep concerns about the utter absence of any accountability in H.R. 3248 which is why I am in support of the amendment of the gentleman from Missouri (Mr. CLAY). With 3248 I say to the gentleman from New York (Mr. FOSSELLA) who is my good friend that my major concern, and I would agree with him that more money is going to local school districts that make those decisions, this is the right thing to do. But here in the Congress we passed the Welfare Reform Act that made it clear that we wanted accountability from welfare recipients. I would ask my colleagues on both sides of the aisle why would we stop or why that principle does not apply here. I have no problem giving money to local school districts. All I would like to see is that they demonstrate to us that indeed what they are getting, the moneys they are getting from the taxpayers, is actually resulting in improvement or increased through the performance, which is why the Clay amendment is so important. It provides money to reduce class size from 26 to 18, but the money will be taken away if the school districts cannot demonstrate that the reduced class sizes has resulted and increased student performance.

3248: Gone would be technology for education, gone would be the Eisenhower Professional Development program. In the private sector we spend anywhere from 6 to 10 percent training and training and retraining workers. Why it is we do not see that it is important to spend that type of money to train and retrain teachers is beyond me. Gone would be the magnet schools programs. Gone would be charter schools. Gone would be the 21st Century Community Learning Centers. New ideas, new approaches; fresh ideas, fresh approaches.

Mr. Chairman, the Clay amendment is the right way to go for this reason: accountability, accountability, accountability. On this side of the aisle we constantly praise, and I must admit sometimes I am at odds with the Reagan legacy. But Ronald Reagan said something I think that even my good friend, the gentleman from California (Mr. CUNNINGHAM), would have to agree with: Trust but verify. That is all we are asking for on this side. If we are going to give money to these local agencies which are huge sums of money to Kentuckians, to Pennsylvania, to Alabama and to Tennessee, let us at least hold these agencies accountable for the students, for these 6-, 7-, 8-year-olds cannot vote, we can, their parents can. Let us hold them accountable and do the right thing.

Mr. Chairman, I would urge us to do the right thing and support the amendment.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out that there is 1½ pages of accountability in this legislation, very, very important accountability. They have to show how they have used the money and how it has improved their school district.

See, I wish we could get away from this business of saying that somehow or other the programs that we have had for the last 30 or 35 years worked wonders. If those programs had worked wonders, why are 40 percent of our children at the end of third grade not able to read at a third great level? If those programs worked so well where they accounted every penny, every penny that counters came in to do, if they worked so well, why would 50 percent of our students who graduate not do well in math and science?

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from that wonderful State of Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the distinguished gentleman from the wonderful State of California for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the Dollars to the Classroom Act and in support of the Clay substitute. We should be working to ensure that a free quality education is available to all elementary and secondary education students in the United States and one that is as equal as possible so that everyone has as equal a chance as everyone else. That is not the way it is today, and the fact is that the Dollars to the Classroom Act I believe would undermine public education in this country because the basis of the bill is that not enough funding is going directly to the classroom, but the independent, very respected auditors, Coopers & Lybrand, would disagree. In an independent audit of elementary and secondary education programs administered by DOE Coopers & Lybrand found that the Department spends $87 million to administer more than $20 billion in grants to elementary and secondary education. That is four-tenths of 1 percent. These programs include Eisenhower Professional Development Grants for teachers, Goals 2000, et cetera, et cetera, and States can determine how to spend that money as easily as they could with a block grant.

I do have concerns about the dissolution of the 31 programs consolidated into a block grant, but I am most disappointed at the lack of consideration for the school districts most in need of federal assistance who would lose title I assistance. The Federal share of funding is only a small percentage, as we know, of the overall dollars spent on public elementary and secondary education because most Federal education funding is raised at the local level through property taxes. High poverty areas are at an automatic disadvantage in funding for their public schools, and title I is their vital funding source to make up for that disparity in funding between public schools in high poverty areas and those in high income areas. Passage of this act would end this important program for those areas with the lowest tax bases. Rather than taking funding away from our public schools the substitute of the gentleman from Missouri (Mr. CLAY) would add additional funding to our classrooms. Under block grants, increases in the student body would be ignored despite the fact that school crowding is one of the most pressing problems. The Clay substitute would reduce class sizes, and it ought to be supported.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds just to make sure that people are not confused now that somehow or other title I money is going to be in this block grant. We made very, very sure other than some little tiny demonstration program, I made very sure that title I was not in, I made very sure that individuals with disabilities education is not in because those are the two, only two, big programs that the Department has, and I made very sure that they are not part of it. Some little tiny demonstration program, yes, IDEA and title I. No, they are not part of the block grant.

Mr. TORRES. Mr. Chairman, I yield myself such time as I may consume, again just to address the gentleman from Pennsylvania (Mr. GOODLING) before I would allow him to recognize someone because they have more time than we have. He said that yesterday in the Committee on Rules and I explained to him in the Committee on Rules he better read his own bill because in his bill there are two sections to title I that are excluded as repealed in this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I wanted to speak for this, speak on behalf of Dollars to the Classroom and against this amendment, because of how it works for Kentucky. Kentucky has long been cited for their education reform bill that was passed in 1990, and I was proud to have supported that bill and to have been on the partnership for the implementation of it.

The entire bill, the entire reform was based on the fact that schools know best what their talents are, what their obstacles are, what the challenges are, their unique children in that school face, and the ideal was to put the dollars in the hands of a cite-based decision-making counsel made up of parents, made up of school employees, made up of teachers and the principal, and all together now they have the right to hire the teacher, hire the principals. They have the right to divide up their allocation of money. And the one thing I hear repeatedly from them is please stop telling us from Washington how we have to spend our money, how we have to comply with all these little incremental spendings instead of giving us the ability to really freely address the challenges that most confront our kids.

I want to point out that Secretary Riley points to Kentucky very often when he speaks as the model of school-based reform, the model of what all schools should be after, and it is hard to believe that a Department of Education would support a program that would fly in the face of what he points to every day as a model of school reform.

This bill is compatible with education in Kentucky with school reform. The substitute that has been proposed absolutely goes in the opposite direction of everything he talks about being good for schools. How we would possibly take a step like that when both sides agree that schools succeed one school at a time, one classroom at a time, one child at a time, and they have to be free and able to use their resources to do that.

Mr. TORRES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, at this time I just want to comment on the fact they keep saying over and over again that only 6 or 7 percent of the total amount of money that is spent on elementary and secondary education in this country come from federal resources. So 93 or 94 percent of the resources come from state and local governments, but when it comes time to talk about the condition of our schools which people want to say could be much better and are not all that they should be, 94 percent of the blame gets laid at the feet of the Federal Government and 7 or 6 percent of the blame gets laid at the local and State government.

The fact of the matter is every level of government has responsibility to step forward and participate in making sure that we have the best educational system we can possibly have. People in my district in Massachusetts understand that this is a responsibility that is shared. They do not want to place the blame, they want to get moving on doing some things that are going to help the educational system.

Block granting, it is never on the charts when we ask people how they want to help improve their schools. They do not want to combine programs, do away with accountability, let States shift money from programs that are national priorities to other areas and then eventually defund. They state very clearly what they want in Massachusetts is for the Federal Government to step forward and play a role to help them modernize their schools because locally they do not have the resource, they have been unable to do that. So they have asked, because it is a national issue and a national infrastructure question, that the Federal Government step forward and provide funds, that when it comes time to making the classrooms the appropriate size, when instruction can best be done, they have not got the resources. They have looked to the Federal Government to target that particular area, and they have said give us some resources, and that is what this amendment does, and that is the way this system should function.

We have seen time and time again through examples in Tennessee, in Indiana, in North Carolina and Wisconsin smaller classroom sizes, a smaller ratio of teachers to students, has a positive effect on the ability of those students to learn, maintain their grade level throughout, and do a better job eventually and lead to a better life and a better community.

Let us stop with the politicking, let us stop with the slogans. As my colleagues know, Dollars to the Classroom is something everybody wants. It is not going to be done by defunding education through this system or anything else, it is going to be done by an effective approach.

Mr. GOODLING. Mr. Chairman, I yield 15 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, we have heard speakers from Kentucky, Tennessee; I see one from Missouri.

Mr. Chairman, I enter into the RECORD letters which are unsolicited, expressing enthusiastic support from professional educators from Kentucky, Tennessee, Missouri, Louisiana, Kansas and several others.

The letters referred to are as follows:

KENTUCKY ASSOCIATION OF PROFESSIONAL EDUCATORS,
Lexington, KY, July 6, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: On behalf of the members and board of directors of the Kentucky Association of Professional Educators (KAPE), I want to express enthusiastic support for H.R. 3248—Dollars to the Classroom Act.

It is time that: a shift in how federal education dollars can be delivered to our nation's schools; dollars go directly to the classroom while giving states and local educators more funding options; teachers' hands not be tied with heavy regulations and tightly restricted grant programs; educators have greater flexibility to receive money for any of the authorized uses of the existing 31 programs; school districts are able to choose how federal money will be put into priority initiatives such as school safety, school technology, teacher improvement, and school reform.

It is our hope that Republicans will be ready to counter the accusations that are sure to come, such as cutting education programs, gutting the U.S. Department of Education and hurting children. We hope you and the Republicans are prepared to aggressively prepare to respond with arguments outlining the real value and benefits of this act.

We encourage your continued efforts in seeing this piece of legislation passed.

Sincerely,

RUTH GREEN,
Executive Director.

PROFESSIONAL EDUCATORS OF TENNESSEE,
Columbia TN, July 28, 1998.

DEAR REPRESENTATIVE PITTS: The Board of Directors of Professional Educators of Tennessee register their support for the principles of: (1) using more of the money returned to the states from the federal government in the classroom instead of in bureaucratic offices, (2) allowing the states greater discretion in the use of dollars returned to the states by the federal government and (3) giving those closer to the child a greater voice in how education funds are spend; and finding these principles in the Dollars to the Classroom Act (H.R. 3248) by Representative Joseph Pitts of Pennsylvania and Senator Tim Hutchinson of Arkansas; we do endorse the Dollars to the Classroom Act; and encourage our Tennessee Representatives and Senators to support and vote for the Dollars to the Classroom Act.

Professional Educators of Tennessee is an organization of two thousand Tennesseans employed in education or preparing for a career in education. Sixteen percent of our members are education students in the universities of Tennessee. Of the remaining members, ninety-seven percent are teachers and administrators in the public schools of Tennessee. Professional Educators of Tennessee has a presence in 89 public school systems in Tennessee.

Sincerely

WALTER JEWELL,
Executive Director.

PROFESSIONAL EDUCATORS OF IOWA,
Oskaloosa, IA, July 21, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: On behalf of the members and board of directors of Professional Educators of Iowa (PEI), I am expressing our support for H.R. 3248—Dollars to the Classroom Act.

PEI was formed in 1981 by a group of educators that were concerned about the direction that the Iowa State Education Association, a subsidiary of the National Education Association, was leading teachers in Iowa with their philosophies and methods. These brave educators felt the need for a professional alternative that keeps the best interest of children first.

PEI is a nonprofit, nonpartisan; professional alternative to the labor union mentality that we believe is not good for public teachers and their students. We believe that educators should have the freedom to choose the organizations to which they want to belong. We also believe that local control of our schools is essential for the children of their respective districts. This allows parental involvement in educational programs, systems, curriculums and policies. Systemic change must occur before there can be any significant improvement in the public systems. Funding streams can be a key to positive change.

In our spring survey, one of the questions we asked our membership was if block-grant federal education dollars should be given back to the state government to spend as they see fit. The response is as follows: 50%—yes; 7%—no; 26%—need more information; 17%—no response. Another question we posed was that if block-grant funding passed, should it have provision to eliminate the Federal Department of Education within a specified time. The response is as follows: 44%—yes; 9%—no; 31%—need more information; 16%—no response.

We believe that the overwhelming majority of Professional Educators of Iowa members will support the Dollars to the Classroom Act when they have an understanding of the consolidation of other money streams and the return to local control.

The growth of Professional Educators of Iowa (over 600% since 1994) should help in your courageous battle to loosen government control, and resist the giant union lobby to do what is right and best for our children. Representative Pitts, we applaud your efforts and encourage you to persevere.

Thank you for your mission to improve America's schools.

Sincerely,

JIM HAWKINS,
State Director.

MISSOURI STATE
TEACHERS ASSOCIATION,
Columbia, MO, August 20, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: The Missouri State Teachers Association (MSTA) has long been an advocate for state and local control of public education. Founded in 1856, our 41,000 members have made local control a major tenet of our platform. Your legislation, H.R. 3248, the Dollars to Classroom Act, provides for a flexible grant program to distribute current federal aid to states and their respective community schools.

The history of federal programs has been one of bureaucracy and red tape that restricts the educational community's ability to prioritize federal funds to best assist improvement in student achievement. The application of a common sense approach to assist the needs of a local community's public schools have been handcuffed by federal rules, regulations and excessive administrative oversight.

MSTA has traditionally opposed federal intervention and intrusion into state and local control of public education, especially in the area of assessment and curriculum. MSTA's adopted resolutions also state that should funding for federal programs be distributed through block grants, then the Missouri State Board of Education, through Missouri's Department of Elementary and Secondary Education, should be given the authority to distribute those funds. In addition, local school districts could also benefit from having direct access to these funds under your proposal as more money could be spent on children in the classroom, not on federal bureaucracy and the administrators that run it. School districts that want to continue with the 31 grant programs that are being consolidated still have the opportunity to continue those individual programs. That decision is an exercise in freedom of choice and allows them to redirect the funds as they choose.

A letter will be sent to the Missouri congressional delegation to indicate our support of H.R. 3248 and encouraging them to vote for its passage. Your legislation allows the "public" in public education to have a larger say in how their tax dollars are spent.

Sincerely,

KENT KING,
Executive Director.

ASSOCIATED PROFESSIONAL
EDUCATORS OF LOUISIANA,
Baton Rouge, LA, August 13, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN PITTS: It is with much enthusiasm that I submit the enclosed resolution adopted by the Board of Directors of the Associated Professional Educators of Louisiana in support of H.R. 3248, Dollars to the Classroom Act. Our enthusiasm is generated by your common sense approach to the generation of additional funding for classrooms through the reduction of senseless and burdensome paperwork and the return of financial decision-making to those closest to the educational needs of our children.

Resourceful educators leave few stones unturned in their search for additional funding, and as a result, they spend countless hours in researching, applying, and then documenting the application of grant funds. It is bad enough that so much time is required of education department personnel (at both the state and federal level) in administering these funds, but the time spent by the teacher in pursuit of these funds is robbing the classroom of preparation time that might result in greater learning.

A number of studies have been made to determine how much of our education dollars actually reach the classroom—with varied results. Time and again, it has been reported that from four to six times as much paperwork is required to administer funding from the federal level as from the local level. Because there is general agreement that no more than 84% of federal funding reaches the classroom, a tremendous financial advantage would be gained through the passage of your bill which guarantees 95% of funding would be provided for classroom activities.

The purpose of education is to impart knowledge to students not to increase payrolls and size of the staff. Every worker spending time on burdensome paperwork—much of which could be eliminated by the passage of H.R. 3248—is siphoning dollars away from the necessities of education in the classroom. Thousands of non-productive workers could be eliminated in virtually every state under the concept you are proposing.

As noted in the resolution, we support H.R. 3248 and we are encouraging the entire Louisiana Congressional Delegation to support your measure, as well. We wish you the best of luck.

Sincerely,

MARCIA KOOPMANN,
State President.

RESOLUTION

Whereas, this independent organization of professional educators was founded on the premise that educators deserved an independent local voice that represented the consensus of its members and that teaching methods, styles, and direction should be compatible with the student population in schools and the goals of the school district as determined at the local level, and

Whereas, sufficient funding is one of the most critical issues confronting successful education, the shortage of which drives resourceful educators to devote much of their precious time to the preparation of grant applications to fund perceived needs not being met with regular funding sources, and

Whereas, the administrative costs at the state and federal level of processing, monitoring, and reviewing these grant programs significantly reduces funding that is provided for the true purposes under which the grant program was established and the paperwork burden greatly increases the personnel requirements, and therefore the financial requirements at the state level, thus further reducing the effective use of available funds, and

Whereas, legislation is currently pending before Congress in the form of H.R. 3248, *Dollars to the Classroom Act*, by Rep. Joseph Pitts, that would shift power and funding for local schools from Washington to the states and would guarantee that at least 95 percent of existing federal funds reach the classroom. While not preventing the continued participation in existing federal programs, this major policy change would shift decision-making to the states and would allow no more than 5 percent of this money to be used for paperwork and administration. A 'hold-harmless' provision would guarantee that states receiving formula-based grants could not receive less than the amount they would have received to carry out those programs under existing statutes. Instead of funneling billions of tax dollars through a bloated bureaucratic system, the bill would ensure that money reaches teachers, students, and principals who make local decision that allow schools to succeed. Now, therefore, be it

Resolved, That the Board of Directors of the Associated Professional Educators of Louisiana (A+PEL) does hereby completely and enthusiastically support and urge the passage of H.R. 3248—Dollars to the Classroom Act—and we strongly encourage the Louisiana Congressional Delegation, by copy of this resolution, to provide support as well. Be it further

Resolved, That copies of this resolution be distributed to:

Representative Robert Livingston, Representative William Jefferson, Representative W.J. "Billy" Tauzin, Representative James M. McCrery, Representative Richard H. Baker, and Representative John Cooksey.

Official Action taken this 13th day of August, 1998.

Witness:

DORIS F. BUTLER,
MARY HALL.

Attest:

MARCIA KOOPMANN,
POLLY BROUSSARD.

ASSOCIATION OF AMERICAN EDUCATORS,
Mission Viejo, CA, July 28, 1998.

Hon. JOSEPH PITTS,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PITTS: On behalf of the members and board of directors of the Association of American Educators (AAE), and our state affiliates (see the undersigned), I write to express enthusiastic support for H.R. 3248—Dollars to the Classroom Act.

The AAE was formed just a little over four years ago by a group of concerned educators, many of whom are nationally known and respected for their contributions to public education (including 5 national educators of the year) who were not happy with the direction that the nation's most visible and vocal teacher organizations were leading us in. We felt there was a critical need for a member organization that was more concerned about our children's right to a good education than they were with just their own benefits.

The AAE is a nonprofit, nonpartisan, professional alternative to the labor union mentality that we feel is not a good fit for public school teachers. We are educators by calling but professionals by choice. We adhere to a few basic principles and beliefs, one of which is that public education will be improved if our schools, their administration, instructional services, and curriculum are under the control of and accountable to the citizens and taxpayers of the local communities they serve. We also believe that systemic changes must occur before there can be any real improvement in our educational system—especially in terms of education funding.

In that regard, an overwhelming majority of the members of the AAE would endorse your "Dollars to the Classroom" legislation. In evidence, I offer the results of our third annual survey of members of the AAE representing classroom teachers from all 50 states. When asked if they would favor legislation that would essentially block—grant federal education dollars back to the state and local governments to spend the money as they see fit—82% favored the idea, 13% had reservations, and 5% weren't sure.

Representative Pitts, I applaud your timely and sensible legislation and hope it passes. You will undoubtedly receive opposition from the protectors of the status quo—most particularly the teachers unions. For the sake of America's children, I urge you to stay the course. There is ample evidence, even from the teacher union's own internal surveys, that the union leadership does not represent the opinions of hundreds of thousands of teachers in America. In fact, there are now over 250,000 teachers who have chosen to join nonunion professional alternatives, like the AAE, in states where independent organizations have formed across the nation. These groups are growing dramatically, proving the big unions don't represent all teachers' beliefs!

Thank you for your vision for improving America's schools.

Sincerely,

Gary Beckner, Executive Director, Association of American Educators; Polly Broussard, Executive Director, Association Professional Educators of Louisiana; Ginger Tinney, Executive Director, Association of Professional Oklahoma Educators; Doug Barnett, President, Kansas Association of American Educators; Ruth Green, President, Kentucky Association of Professional Educators; Randy Hoffman, President, Keystone (PA) Teachers Association; Jim Hawkins, Executive Director, Professional Educators of Iowa; Walter Jewell, Executive Director, Professional Educators of Tennessee.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. GINGRICH), the Speaker of the House.

□ 1115

Mr. GINGRICH. Mr. Chairman, I appreciate very much my friend from Pennsylvania yielding me this time.

This is really a very simple, straightforward policy decision. If my colleagues think the most effective way to help education is to have 31 different Washington bureaucracies with 31 different sets of regulations, 31 different auditors, 31 different sets of red tape, reports and forms, so that school districts back home fill out forms and have to keep track that they spend this dollar only in this box and this dollar only in this box, and they actually have to spend time recording everything they are doing, writing and filing reports; if my colleagues think that Washington is the center of America's education future and that bureaucracy is the answer to learning, then you should note "no."

What this bill does is very daring.

This bill says, real learning occurs when the local teacher, the local student, the local parent, and the local school board, and the local classroom make a decision. This bill, block grants $2,700,000,000 to the States to allow the local teacher to have a decisive impact and the local parents to have a decisive impact.

Now, today when people in Washington get up and say oh, we are really helping education, here is $100 for education. What they do not tell us is $65 gets to the classroom, $35 go to the bureaucrats, and that understates what is really happening, because, of course, if one goes to any teacher in America, particularly an older teacher who taught 25 or 30 years ago, and we say to them, do you fill out more paperwork now? Are there more people in your school's front office handling paper? Are there more people at the county office handling paper? We will suddenly discover that there is a hidden additional cost. Not only does 35 cents out of every Federal education dollar end up in the bureaucracy, but it distorts the time of the teacher away from education.

I used to teach both in college and high school. Education is a missionary experience. It is reaching out with love and energy and ingraining in students the interest in learning. When we make teachers into bureaucrats, we kill the missionary spirit, we kill the emotional investment. So what this bill does is it liberates teachers, parents and students to once again focus on learning, not on reports, not on regulations, not on bureaucracy, not on red tape.

Now, it also is very practical. If we are trying to balance the budget as we are, and we have succeeded, if we are trying to make sure we control spending in Washington, the question gets to be, so how do we get more per dollar. Well, we move, with this bill, and I commend the gentleman from Pennsylvania (Mr. PITTS) for his tremendous initiative in developing and pushing this forward.

The gentleman from Pennsylvania (Mr. PITTS) used to be the appropriations chairman of the State of Pennsylvania's legislature. He knows at the State level what the Federal Government does in red tape and bureaucracy and that is why he was able, with such passion, to work with the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING) to get this money back home.

Here is what we are doing. Without raising taxes, without increasing Federal spending, we are getting $800 million more to local classrooms. Instead of 65 cents out of every Federal dollar getting to the classroom, this bill moves it up to 95 cents, and I think that understates the effect, because there are so many fewer reports, so many fewer audits, so much less time spent on clerical bureaucratic work.

Now, that is $425 a classroom, in the classroom. If we go up to the average teacher and say, if you had 425 extra dollars this year, whether it was for computers, whether it was for audiovisual, whether it was for instructional material or for a field trip, and you knew that you would have the ability with the local parents, the local school board and your students to actually make the decision, not fill out a form in 31 copies, send it to Washington, wait 6 months and maybe get picked. There was a school district in Texas that spent $35,000 for a $1,300 grant that actually used the entire grant to pay for the buses to go and pay parking at an art museum. They lost almost $30,000 in the transaction. That is eliminated by this bill, because this bill says, the money will be back home, the teachers and parents will have it.

So I would just say to my friends on the left who are busy propping up Washington bureaucracy, if they are comfortable going home and saying, 65 cents on the dollar is all you are worth; I needed that extra 35 cents for my bureaucratic allies. And saying, no, we do not trust you, we are going to have 31 different auditors with 31 different sets of rules on 31 different sets of records, vote "no."

Mr. Chairman, I think for most Americans, people like the gentleman from Pennsylvania (Mr. GOODLING) who

was a teacher, like the gentleman from Pennsylvania (Mr. PITTS) who was a teacher, I was a teacher, many of us who were teachers, we believe as teachers that getting that money back home to the local teacher, the local parent and the local student to make the decisions, that is the right way to strengthen education in America, and I urge a "yes" vote on final passage.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), the cochair of the Democratic Education Task Force and former chief State school officer of the State of North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise this morning in support of this amendment and in strong opposition to this bill. Let me tell my colleagues why. Dollars for the classroom is nothing more than a hollow sound and it is a joke, because what we are talking about is cutting the allocation to where every single district in my State would lose $12 million of money they badly need, and every other State loses money. These are the statistics I have read and have come from the department.

I served at the State level. I know what it takes. I hear this talk about paperwork, and it is true. But the truth is, usually it is not Federal paperwork, it is either State or local. People want to point to and use that as a reason not to send money.

Let me tell my colleagues what happens with block grants. I have been out there where block grants come from. But before I was the State superintendent of schools, I chaired the Committee on Appropriations of my State for 4 years, so I know how to use block grants. We send them out, and that is the best way I know; the next time comes there is a nice fat cut and we say oh, by the way, we are going to cut you this much and it is your job to reduce the administrative cost in it. And then pretty soon if you cannot get any more, you say well, you know, the problem with this program, we do not have enough accountability or enough money, so we are just going to cut out the program.

Well, I am here to tell my colleagues, we are here at the point where children are coming out of our schools at a greater number than at any other time in our history. As a matter of fact, over the next 5 years we will have more people showing up in this country than ever in the history of America, and in my State, we will be the fifth fastest growing State in the Nation.

Do not tell me we need to cut education money. We ought to be about finding a way to put additional money in it and reduce class sizes, because statistics prove when we reduce class sizes, educational opportunities for children increase and learning improves. There is abundant data available on that. Tennessee did the first study, and in North Carolina today we are reducing class sizes in kindergarten through third grade and we are doing it with State money.

Do not tell me we cannot blend these dollars at the State level and make it available to the local level without cutting and reducing the paperwork. It can be done, it is being done. This is just another way to cut the money for the public schools, and I oppose it and I think every Member of this body ought to vote against the bill.

Mr. GOODLING. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Pennsylvania (Mr. GOODLING) has 7 and one-quarter minutes remaining; the gentleman from California (Mr. MARTINEZ) has 8 minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I have one more speaker scheduled at this time who has not arrived yet, so I yield to the gentleman from Pennsylvania (Mr. GOODLING) to proceed with his speakers.

Mr. GOODLING. Mr. Chairman, I should preface this introduction by saying Gordon would have been proud of the former State superintendent defending the bureaucracy of the State superintendents. Gordon, of course, everybody knows who that is.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and for his work on this bill.

We have heard a number of things in this debate today. We have heard that IDEA was going to be ended. It is not. We have heard that Title I was going to end. It is not. In fact, Title I is one of the programs that already comes pretty close to the standard. I think it is well over 90 percent of the money that we appropriate federally in Title I gets to districts.

We have heard from our friend from Massachusetts a moment ago that if we ask people in his district whose fault it is that education is not producing the right result, they say, the Federal Government, even though right before that, he said that only about 6 percent of the money comes from the Federal Government.

Well, maybe this House ought to be more clear with the people we represent and explain to them that only about 6 percent of this money is Federal money, that local responsibility is paramount here, that we cannot continue to confuse Americans by letting them think the solution is going to come from somewhere where the solution is not going to come from.

Local and State decision-making on programs like classroom size, local and State decision-making on how and where we ought to add teachers is possible under this bill. I urge my colleagues to support it.

Mr. MARTINEZ. Mr. Chairman, I yield myself 30 seconds.

Two things. The previous speaker said that mentioned IDEA. Nobody on this side mentioned that IDEA was in this bill. We know that IDEA is not in the bill, that it is a separate bill.

Number 2, again he referred to the fact that Title I was not affected by this. Title I is affected by it. If my colleagues will read their own bill, in the section 107, repeals, as I said before, and you go to item number 5, it is section 502 of the Elementary and Secondary Education Act, 1965, which is part of Title I, and section 1503 of the Elementary and Secondary Education Act, 1965 is another part of it, so Title I is affected by this bill.

Mr. GOODLING. Mr. Chairman, I want to make sure that everybody understands that Title I is not part of this, other than a little demonstration project. We have to make sure that everybody understands that.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM), a former coach, a former teacher, a former dean of a college.

Mr. CUNNINGHAM. Mr. Chairman, why is the left against this bill? Because they want big government control for education and they will fight to keep it. They will do anything to keep those 760 Federal education programs which strangle the dollars going to the classroom.

Let us take a look at the D.C. bill. We could have waived Davis-Bacon for construction and saved $26 million, but did the left choose children and schools? No, they chose their union. We had 8 witnesses in a program, and the gentleman from North Carolina talked about block grants, all different programs, all good programs. The gentleman, when we asked which one of those that the other 7 had, they had none. The whole idea of a block grant is where parents and teachers in the community can make the decision, instead of a bureaucrat here in Washington D.C. that does not know your children. The left would fund all 8 programs, have bureaucracies here in Washington D.C. which take money away from the classroom.

Let us take a look at 100,000 teachers. Well, I do not guess my colleagues wanted the money, the surplus money for Social Security, because that is where the 100,000 teachers would pay for. The left said they want all the money for Social Security, but yet to pay for the 100,000 teachers, under the balanced budget agreement that the President signed and many of the Members signed is not there.

Mr. Chairman, $3 billion in literacy that the President wanted. There is 14 literacy programs. What is wrong with taking 1 or 2 and not just fully funding it, but increase the funding of those

that work and get rid of the building, get rid of the bureaucrats that we have to pay their paycheck and their retirement which takes away from the classroom.

That is why the left does not want this bill. They want the big bureaucracy, not for children.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise as one of the members of the minority in this body, and that is that I am a classroom teacher. I spent 7 years in the public schools in Pennsylvania, and in fact, besides being a teacher and a head teacher in an impoverished district, I also for 3 years was assistant director of a Title I program, and for 1 year served in a program funded by Title III. I understand the need to get money to classroom teachers so that they can better motivate children. I also served in my capacity as vice president of my local education association.

I rise with unequivocal support for this bill. I praise my colleague and the leader of our committee who have done an outstanding job because this bill does I think what all of us in America want to do: It puts the dollars into the hands of those people who have the most responsibility to motivate young people, and that is our teachers. It is not the bureaucrats, it is not the pencil pushers in our regional offices, it is the men and women who serve in the classroom every day. And as one of them, I rise in strong support of this legislation and urge my colleagues to vote "yes" on the bill.

□ 1130

Mr. MARTINEZ. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to this bill, and I can explain why. It is not bureaucracy protection, it is people protection. Most of us know that a very large percentage of the students in public schools are from poor families.

There is a reason why we are against repeal of Davis-Bacon, and that is because we are trying to make sure that these children's parents do not remain in such poverty that they remain the ones at risk, they remain the people who are least educated.

All of us know that the labor unions in this country brought about the quality of salaries, brought about the middle income population of this Nation, the population that has the largest tax share of responsibility for the whole Nation.

We have to give attention to children in poverty.

There are many of us who are very skeptical of our own States and the way they handle things. We look at California to see how they are against bilingual education when they have a very large number of children that need it. That is the reason why we have some concern about block granting the dollars back.

States rights have never been so good to the minorities of this country. That is one of the reasons why we want to make sure that we maintain some quality, accountability, and consistency in programs.

We also understand that well-qualified teachers with a smaller number of students is more successful. We know that from experience. That is the reason why we support reduction of class size and support more quality educational opportunities for our teachers and better pay for our teachers so we can maintain good teachers in the classroom.

It is clear that all young children need a good education. We say that all the time. There are no jobs available without a good education and without good preparation. We simply want to make sure that, as far as we can be accountable, we can ensure that that happens in these classrooms.

It is not just a sense of trying to protect bureaucracy. It is a sense of attempting to protect people and especially poor people of this Nation who work long hours for little pay, last hired and first fired. That is what we are trying to protect. We are trying to make sure that all young people are prepared to take on the future and be ready for it.

Mr. MARTINEZ. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. MARTINEZ) has 5 minutes remaining. The gentleman from Pennsylvania (Mr. GOODLING) has 3¼ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, reducing class size, boosting academic standards, modernizing schools, these are real issues that affect our communities, our children, and the people that we care about.

But instead of dealing with these challenges, instead of focusing resources where they are most needed, this bill will take American schools backwards.

Worse yet, it kills off educational programs that have proven successful all across the country, programs like the School-to-Work programs that train high school students for good jobs with good pay with a mentor, programs like the Eisenhower grant that pays for more teacher training, like the Goals 2000 programs that help schools boost their academic standards.

These educational programs made sure that Federal dollars were spent wisely and responsibly. The emphasis of this emphasis was on learning and was on results.

Under this block grant program, funding will inevitably decrease. Under this block grant program, funding is shifted out of the classroom, out of the schools that most need it.

What we need here is accountability in our schools, and this bill undermines that. It does nothing to reduce class size, to improve academic performance, modernize our schools, or provide school safety. These are the issues that we need to be focusing on.

Democrats have proposed hiring 100,000 new teachers, to reduce class size in schools all across the country. Smaller class sizes have been proven to increase discipline, boost academic performance. These are the kinds of educational programs we should be supporting, not shuffling funds around through block grants and calling it progress.

I oppose this block grant program. I must say to my colleagues this afternoon that it is not coincidental that this attack on education and the attack next week on Social Security comes at a time when some of my colleagues think that the country is distracted from the issues that they care about.

All of us who have been to our district understand how important education is, how strong and important it is to support our education and public education system.

They understand the need to preserve and strengthen Social Security, not to raid it, not to raid the trust fund or rob the trust fund for some kind of a tax program that my colleagues think is in the best interest of their constituencies at the cost of taking it away from literally millions of seniors in our country. They are watching this Congress and how we act.

If we act responsibly in this very difficult time this country faces or whether or not we are going to seek relief, invade educational opportunities that have been set up for the people of this country, whether we are going to invade the Social Security Trust Fund, whether or not we are going to deal with the question of Health Maintenance Organizations that the people of this country are crying out for some reform.

So in conclusion, Mr. Chairman, I ask my colleagues to oppose this block grant program. I urge my colleagues to oppose it. It is not in the best interest of education. It diminishes the things that we have built on. It takes away in an unresponsible manner, I believe, the opportunities to move forward in our public educational system.

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, aside from the fact that the other side keeps saying that

States are going to get more money, in lieu of the fact that we know that the appropriators have cut the funds to all of these programs and that they will not simply by that fact, but according to CRS, these States will lose money: Alaska, Connecticut, Delaware, District of Columbia, Hawaii, Idaho Iowa, Kansas, Louisiana, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and West Virginia and Wyoming.

Mr. Chairman, if the Members who represent those States and those constituencies want to go back to their State and explain after the fact that reality sets in that they have lost money and answer to those school directors and school board members and superintendents and even the teachers and especially the students, then let them do that and let this fall on their head.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, this is just an amazing debate and a simple question that everybody has to ask themselves. The question is, do we trust the people at home, the elected school board members and the community, to try to decide what they want to spend their money on or do we in fact think that they are not very capable and so a handful of us here in Washington ought to figure out what the heck the priorities ought to be?

Now, I have to say, I think the country is coming over to our side. I do not think they want all this red tape. I do not think they want all these strings. What they want least of all is a bunch of people in the city, who do not even know what area code it is we live in, to try to tell us how to run our schools.

What the gentleman from Pennsylvania (Mr. PITTS) has proposed in this legislation is one simple thing, gather up as much of the money as you can, cut the strings, the red tape, send it back to the school districts and get the money in the classroom and let the schools decide how to spend the money.

I have to say that this concept of local control is not about local control. It is about faith and normal people who live and work in a community.

I would rather put my trust into the hands of us who live locally than to pass it off to some bureaucrats or some politicians in a far away place. Support the bill offered by the gentleman from Pennsylvania (Mr. PITTS).

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I cosponsored this bill because I think it just makes sense. In my home state of New Jersey, this means that we would receive roughly an extra 50 percent additional funding. That is $25 million more for New Jersey, which translates into $425 more for each classroom.

In my district, in central New Jersey, I have spoken and listened to numerous teachers, school board members and school administrators. I have heard about teachers carefully using their limited resources, yet still coming up short. They have expressed to me their frustrations in wasting limited time and funds with filling out paperwork to meet requirements of these well intended programs.

We have been blessed with wonderful teachers but it is unfair that their hands are tied from doing what they do best and what they were trained and hired to do. That is why I support Dollars to the Classroom Act. We should pass this legislation because it makes sense and will make a difference for the children of America.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, very quickly, if we go back to the early eighties, we had a whole series of categorical grant programs. We, the dictators here in Washington, said if you spend the money the way we tell you to, you can have the money. We, Republicans and Democrats, joined together. We eliminated most of those categorical grant programs. We turned it into a block grant, we gave it to the States, mandated that 80 percent of those block grant funds go on to the local school districts so that their local autonomy could say what is best. In Glens Falls, Queensbury, Clifton Park, Hyde Park, New York, they know better than we do.

This is a great bill. It is an especially good bill for New York State. I would ask the New Yorkers to come over here and vote for it. Do not go yelling for more money.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to make sure that everybody understands that those names of States that were being read have nothing to do with reality and have nothing to do with this legislation. Those States that were being read deal with, as a matter of fact, nonprofits and nonschool districts. We are interested in getting the money to school districts. We are interested in getting the money down to the children.

What we are admitting is that the well-intended programs of the last 30 some years did not work. Let us admit it. Let us try something different. That is why we have 40 percent of the children at the end of third grade that do not read at third grade level. That is why we have 50 percent of our students that do not do well in math and science when they graduate.

Let me remind my colleagues, on this amendment that is being offered, they are talking about $20 billion over a 5-year period. They did not say where it is going to come from. In all probability, it is going to come from the very programs that they have been standing up here all morning defending. It has to come from somewhere, folks. There is no tree up there that is going to yield it.

I include the following for the RECORD:

TABLE 15.—ESTIMATED STATE ALLOCATIONS SPECIFICALLY TO LOCAL EDUCATIONAL AGENCIES (LEAs) UNDER H.R. 3248 COMPARED TO ESTIMATED ALLOCATIONS TO LEAs UNDER CURRENT PROGRAMS THAT WOULD BE CONSOLIDATED UNDER H.R. 3248

State	Total estimated grants to LEAs under H.R. 3248 (at 96%)	Total estimated grants to LEAs under current programs	Percentage change
Alabama	$32,480,640	$28,726,394	13.1
Alaska	8,574,720	9,973,798	−14.0
Arizona	31,996,800	27,196,850	17.6
Arkansas	19,791,360	14,926,986	32.6
California	237,103,680	212,174,852	11.7
Colorado	23,698,560	18,948,065	25.1
Connecticut	20,659,200	18,744,802	10.2
Delaware	6,339,520	7,893,343	5.7
District of Columbia	6,355,840	7,431,557	12.4
Florida	94,823,040	91,729,340	3.4
Georgia	54,471,360	42,934,372	26.9
Hawaii	8,868,480	8,996,313	26.8
Idaho	9,253,440	8,516,600	8.7
Illinois	88,815,360	72,854,420	21.9
Indiana	36,406,080	30,973,512	17.5
Iowa	17,131,200	12,779,617	34.1
Kansas	17,618,880	15,544,068	13.3
Kentucky	31,801,920	24,600,251	29.3
Louisiana	44,208,960	34,665,652	27.5
Maine	9,648,000	8,159,272	18.2
Maryland	31,515,840	25,493,567	23.6
Massachusetts	40,377,600	38,492,132	4.9
Michigan	82,742,400	65,986,110	25.4
Minnesota	30,007,680	23,832,451	25.9
Mississippi	28,125,120	21,427,695	31.3
Missouri	37,344,960	29,020,065	28.7
Montana	9,038,400	7,169,578	26.1
Nebraska	11,083,200	11,733,360	−5.5
Nevada	9,667,200	8,894,488	8.7
New Hampshire	8,675,520	7,389,104	17.4
New Jersey	49,601,280	37,348,162	32.8
New Mexico	16,026,240	13,700,687	17.0
New York	159,475,200	146,444,545	8.9
North Carolina	44,436,320	40,496,357	10.0
North Dakota	8,333,760	7,915,178	5.3
Ohio	82,574,400	85,323,229	26.4
Oklahoma	24,687,360	20,223,570	22.1
Oregon	21,254,400	17,502,102	21.4
Pennsylvania	87,925,440	71,081,085	23.7
Rhode Island	9,001,920	7,181,696	25.3
South Carolina	26,136,000	23,189,775	12.7
South Dakota	8,543,040	7,702,811	10.9
Tennessee	36,509,760	29,345,406	24.4
Texas	165,546,240	134,012,463	23.5
Utah	14,062,080	11,304,868	24.4
Vermont	8,186,880	7,350,078	11.4
Virginia	37,687,680	30,384,386	24.0
Washington	35,669,760	34,440,440	3.6
West Virginia	16,408,320	13,455,322	21.9
Wisconsin	36,780,480	27,695,883	32.8
Wyoming	8,081,280	6,853,872	17.9
Puerto Rico	53,332,800	40,548,467	31.5

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly support this amendment because it seeks to alleviate a real problem that affects our Nation's schools by reducing class sizes in grades 1st through 3rd. It is clear that the "Dollars to the Classroom Act" cannot provide the necessary support for our education system. Without this amendment, H.R. 3248 is simply a politically-motivated measure that simply ignores the actual needs of the schools.

This amendment would reduce the class size in grades 1st through 3rd to an average of 18 students per class. The measure implements this program by authorizing $1.1 billion in FY 1999 and $7.34 billion over a five year period.

More importantly, this amendment would alleviate the concerns surrounding overburdened teachers by enabling schools to hire over 100,000 by the year 2005.

Funding proposed by this amendment would allow schools to recruit, train, and pay these additional teachers. Moreover, the funds would ensure that the teachers are equipped with the most current and effective instructional techniques.

The amendment also requires the school districts to demonstrate how reduced class sizes are resulting in increased student achievement.

I firmly believe that this amendment will serve the educational community well. Unlike H.R. 3248, this amendment serves the needs of our schools.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 543, further proceedings on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 543, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 offered by the gentlewoman from Hawaii (Mrs. MINK) amendment in the nature of a substitute No. 2 offered by the gentleman California (Mr. MARTINEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MRS. MINK OF HAWAII

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 207, not voting 28, as follows:

[Roll No. 450]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cannon
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—207

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—28

Blagojevich
Burton
Clay
Cox
DeFazio
Fawell
Gonzalez
Goss
Hilliard
Hutchinson
Kaptur
Kennelly
Manton
McCollum
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres
Watts (OK)

□ 1205

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Mica against.

Messrs. BATEMAN, GALLEGLY, CHABOT, Mrs. MYRICK, and Mrs. KELLY changed their vote from "aye" to "no."

Ms. LOFGREN, and Messrs. SCOTT, WHITFIELD, SHERMAN, FOX of Pennsylvania, and OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARTINEZ

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MARTINEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a subsitute.

The Clerk redesignated the amendment in the nature of a subsitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded voted was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 215, not voting 29, as follows:

[Roll No. 451]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Becerra
Blagojevich
Burton
Clay
Condit
Conyers
Cox
DeFazio
Fawell
Gonzalez
Goss
Hoyer
Hunter
Kaptur
Kennelly
Manton
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres

□ 1213

The Clerk announced the following pair:

On this vote:

Mrs. Kennelly of Connecticut for, with Mr. Mica against.

Mr. ADAM SMITH of Washington changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore 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. 3248) to provide dollars to the classroom, pursuant to House Resolution 543, 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.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

RECORDED VOTE

Ms. WOOLSEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 198, answered "present" 1, not voting 24, as follows:

[Roll No. 452]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter

Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—24

Blagojevich
Brown (CA)
Burton
Clay
DeFazio
Fawell
Gonzalez
Goss
Kaptur
Kennelly
Manton
McDade
Meek (FL)
Mica
Miller (CA)
Parker
Pease
Poshard
Pryce (OH)
Riggs
Sánchez
Schumer
Stokes
Torres

□ 1233

The Clerk announced the following pair:

On this vote:

Mr. Mica for, with Mrs. Kennelly of Connecticut against.

Mrs. KELLY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to vote on September 18, 1998.

Had I been able to vote, I would have voted in the following manner.

On agreeing to the amendment of Mrs. MINK of Hawaii, Roll No. 450, I would have voted no.

On agreeing to the amendment of Mr. MARTINEZ of California, Roll No. 451, I would have voted no.

On approving the final passage of H.R. 3248, To Provide Dollars to the Classroom, Roll No. 452, I would have voted yes.

GENERAL LEAVE

Mr. GOODLING. 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. 3248, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3248, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I am pleased to announce we have concluded legislative business for this week.

The House will meet next week at 10 a.m. on Tuesday, September 22, for a pro forma session. There will not be votes that day.

Wednesday, September 23, the House will meet at 2 p.m. for legislative business. However, we do not expect any recorded votes before 5 p.m. on Wednesday. Of course, this is because of the Jewish holidays. On Wednesday, September 23, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Thursday, September 15 and throughout the balance of the week, the House will consider the following legislation:

H.R. 4006, the Lethal Drug Abuse Prevention Act; H.R. 3736, the Workforce Improvement and Protection Act of 1998; H.R. 2621, the Reciprocal Trade Agreement Authorities Act, Fast Track; H.R. 4579, the Taxpayer Relief Act of 1998; and, finally, H.R. 4578, the Save Social Security Act.

Mr. Speaker, we also hope to consider conference reports on the Department of Defense authorization, a very important bill; the higher education bill, and a number of appropriation conference reports.

Mr. Speaker, Members should be prepared to work late next week on all of these appropriation bills. As the majority leader alerted Members in a Dear Colleague just yesterday, it may also be necessary to work on Saturday, September 26 to complete work on those important appropriation bills as we are nearing the end of the Federal fiscal year.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan, the minority whip.

Mr. BONIOR. Mr. Speaker, I have several questions of the gentleman from New York. What day are you anticipating the fast track legislation coming to the floor?

Mr. SOLOMON. The schedule needs to be worked out, but more than likely it will be Friday. It all depends on all of the conference reports that we are getting back. But I think you can pretty much count on Friday.

Mr. BONIOR. The House has already completed its work on the continuing resolution that really has addressed the failure of this body to deal with the

whole question of getting our work done on time. Now that we have passed that CR this week, why are we meeting on Saturday? The gentleman alluded to appropriation bills. Is the gentleman from New York saying that, if we meet on Saturday, it will be on appropriation bills, or are we thinking of other pieces of legislation to work on Saturday?

Mr. SOLOMON. As the gentleman knows, there have been some distractions, and we really need to keep the Members here. We are getting near the end of the year. None of us want to be faced with this problem of a shutdown as we perhaps were in the past. Personally I would say we may not be here, but I think Members better be prepared to be here on Saturday in case we need to get the work done.

Mr. BONIOR. Let me ask the question in another way, then. There was a concern that the majority may try to bring up fast track or the Tax/Social Security issue on Saturday. Can I have an assurance from my friend from New York that that will not happen?

Mr. SOLOMON. I say to the minority leader who has been in the majority, he knows how the schedule goes, and there is that possibility. Again, I think we will probably be able to stick to the schedule as was outlined by the majority leader.

Mr. BONIOR. Just so I am clear here, the gentleman from New York is saying that if we do meet on Saturday, and that is only a possibility, we will be doing appropriations bills?

Mr. SOLOMON. And we may do other business, too. It is all in an effort to get the work done. We certainly do not want to be here any longer in an election year than we have to be. But I think the gentleman is probably going to be pleased with how things work out.

Mr. BONIOR. I just want to point out once again, then I will stop, to my friend from New York, that the budget was supposed to have been done in April. Here we are pushing on October, and we still do not have a budget. The question of working on Saturday to finish the business of this House and of this country with respect to a budget obviously could make some sense, but if we are going to try to play games here and come in on Saturday to do a Tax/Social Security, raid on the Social Security trust fund, or if we are going to try to bring up fast track on a Saturday, I want the gentleman from New York and the leadership and you, Mr. Speaker, and others to understand that that is not going to be acceptable on this side of the aisle, and I suspect there are many Members on your side of the aisle. All we are looking for is assurances of fairness here. Given the fact that we have had difficulty with the question of fairness in the last two weeks, we regret that, we hope this will not continue but we regret it with respect to the question of the President in terms of how that has been dealt with. We hope, and I strongly want to emphasize, that these two issues need not be a part of the workday on Saturday if in fact we are in.

Mr. SOLOMON. With all due respect to the gentleman, we all have to have an effort of cooperation. I look back to the years of Ronald Reagan. We sat down and we worked on this budget. We worked on it when Democrats were in control of the House and Republicans were in control of the Senate; then when the Democrats had control of both houses. We worked together. That is what we should be doing now and getting this budget together. Let us just be frank about it. Saturday Members had better be prepared to be here. However, if there is no compelling reason to keep us here, we will not be.

ADJOURNMENT TO TUESDAY, SEPTEMBER 22, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 10 a.m. on Tuesday, September 22, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 23, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, September 22, 1998, it adjourn to meet at 2 p.m. on Wednesday, September 23, 1998.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. HASTINGS of Florida. Mr. Speaker, most respectfully I thank you for recognizing me and permitting me to act expeditiously in a matter that I wish to bring to the attention of the House.

Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution as a question of the privilege of the House.

The form of my resolution is as follows, and I shall try to be as expeditious as possible.

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I. In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include.

On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, section 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following.

□ 1230

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. HASTINGS of Florida. Mr. Speaker, if I may, this is a lengthy document, and unless the rules require all

of it to be read into the RECORD, this Member has no great need to read it all, if that is permitted, and, if I would be permitted under leave, I would place it on the RECORD.

The SPEAKER. The form of a question of privilege should be read into the RECORD so all Members are notified.

Mr. HASTINGS of Florida. (a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated onto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent counsel Kenneth W. Starr further usurped and arrogated onto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of exercise that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the whole of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr by such conduct warrants impeachment and trial and removal from office.

Article II:

In his conduct of the office of independent counsel Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States and his duties as an officer of the United States and acted in ways that were calculated to and did unconstitutionally undermine the office of the President of the United States and obstruct, impede and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the United States of America by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of the President and obstructed, impeded and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing and humiliating the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and the people of the United States.

(2) Mr. Starr engaged in a willful and persistent course of conduct that was calculated to and did wrongfully demean, embarrass and defame an incumbent President of the United States and thereby undermine and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him including not only Mr. Starr's wrongful disclosures of grand jury material, but also other improper conduct such as his actions and conduct calculated to suggest without foundation that the incumbent President had participated in preparing a so-called, quote, talking points, unquote, outline to improperly influence the testimony of one or more persons scheduled to be deposed in a civil action. By his willful and persistent conduct and misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the United States and the people of the United States of America.

(3) Mr. Starr intentionally, willfully and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed salacious and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with an incumbent President of the United States. By including that unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of the United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a Nation. By including that narrative knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

Article III:

In his conduct of the office of independent counsel, Kenneth Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as a officer of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate onto himself powers that the Constitution of the United States assigned to the federal courts that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States of America and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse

of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigation and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly evade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the first and fifth amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial offices of the United States to discharge their duty to take care that the laws of the United States be faithfully executed.

(4) In his conduct of the office of independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past 4 years Mr. Starr has expended more than $40 million in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in Article III of these Articles of Impeachment, Kenneth Starr committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr by such conduct warrants impeachment and trial and removal from office.

Final article, Mr. Speaker, Article IV:

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these articles of impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminished the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of it is right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States or any officer should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

□ 1300

Wherefore, Kenneth W. Starr, by such conduct, warrants impeachment and trial and removal from office.

Mr. Speaker, most respectfully, I gratefully thank my fellow colleagues for their patience in the House of Representatives. That concludes my noticing of the privileged resolution that I most respectfully put before the body.

The SPEAKER. Under Rule XI, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Florida will appear in the RECORD at this point. The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention, along with the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Illinois (Mr. LAHOOD) a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel.

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under Rule IX of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER. Under rule IX a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That

determination will be made at the time designated for consideration of the resolution.

PERMISSION TO HAVE UNTIL MIDNIGHT, SEPTEMBER 22, 1998 TO FILE CONFERENCE REPORT ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight on September 22, 1998 to file the conference report on the bill, H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That it shall be in order at any time on Wednesday, September 23, 1998, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least two hours prior to its consideration. The Speaker or his designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. McINNIS) is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule truly is noncontroversial. It simply allows that we have suspensions in order on September 23, 1998. It also provides that the object of any motion to suspend the rules shall be announced from the floor at least 2 hours prior to its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, the gentleman is exactly right.

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.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON WEDNESDAY, SEPTEMBER 23, 1998

Mr. McINNIS. Mr. Speaker, pursuant to the notice requirements of House Resolution 544, I announce that the following bills will be considered under suspension on Wednesday, September 23, 1998:

H.R. 2000, AK Native Claims; H.R. 4068, Native American Tech. Changes; H.R. 2314, Kickapoo Tribe; S. 1279, Indian Employment; H.R. 1481, Great Lakes; H.R. 1659, Mount St. Helens Monument; H.R. 3381, Gallatin Land Consolidation; H.R. 2223, Education Land Grant Act; H. Res. 144, Lewis & Clark; S. 1355, Lee Courthouse; H.R. 3598, White Federal Building; H.R. 1756, Money Laundering & Financial Crimes; H.R. 4005, Money Laundering Deterrence; H.R. 4244, Federal Procurement; H.R. 4283, Africa Seeds of Hope; H.R. 633, State Department Agents Retirement (GOV too); H. Res. 505, Pacific Islands; H. Con. Res. 315, Kosovo; H.R. 4558, Welfare Tech. Amends (Commerce too); H.R. 4017, Energy Conservation Reauthorization

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT ACT OF 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1856) to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Wildlife Refuge System (referred to in this Act as the "System"), consisting of more than 500 refuges and 93,000,000 acres, plays an integral role in the protection of the natural resources of the United States;

(2) the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57; 111 Stat. 1252) significantly improved the law governing the System, although the financial resources for implementing this law and managing the System remain limited;

(3) by encouraging volunteer programs and donations, and facilitating non-Federal partnerships with refuges, Federal funding for the refuges can be supplemented and the System can fully benefit from the amendments made by the National Wildlife Refuge System Improvement Act of 1997; and

(4) by encouraging refuge educational programs, public awareness of the resources of the System and public participation in the conservation of those resources can be promoted.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage the use of volunteers to assist the United States Fish and Wildlife Service in the management of refuges within the System;

(2) to facilitate partnerships between the System and non-Federal entities to promote public awareness of the resources of the System and public participation in the conservation of those resources; and

(3) to encourage donations and other contributions by persons and organizations to the System.

SEC. 3. GIFTS TO PARTICULAR NATIONAL WILDLIFE REFUGES.

Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended—

(1) by striking "(2) Any" and inserting the following:

"(2) USE OF GIFTS, DEVISES, AND BEQUESTS.—

"(A) IN GENERAL.—Any"; and

(2) by adding at the end the following:

"(B) GIFTS, DEVISES, AND BEQUESTS TO PARTICULAR REFUGES.—

"(i) DISBURSAL.—Any gift, devise, or bequest made for the benefit of a particular national wildlife refuge or complex of geographically related refuges shall be disbursed only for the benefit of that refuge or complex of refuges and without further appropriations.

"(ii) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match gifts, devises, and bequests made for the benefit of a particular national wildlife refuge or complex of geographically related refuges. With respect to each gift, devise, or bequest, the amount of Federal funds may not exceed the amount (or, in the case of property or in-kind services, the fair market value) of the gift, devise, or bequest.".

SEC. 4. VOLUNTEER ENHANCEMENT.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall carry out a pilot project at 2 or more national wildlife refuges or complexes of geographically related refuges in each United States Fish and Wildlife Service region, but not more than 20 pilot projects nationwide.

(2) VOLUNTEER COORDINATOR.—Each pilot project shall provide for the employment of a full-time volunteer coordinator for the refuge or complex of geographically related refuges. The volunteer coordinator shall be responsible for recruiting, training, and supervising volunteers. The volunteer coordinator may be responsible for assisting partner organizations in developing projects and programs under cooperative agreements under section 7(d) of the Fish and Wildlife Act of 1956 (as added by section 5) and coordinating volunteer activities with partner organizations to carry out the projects and programs.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate evaluating and making recommendations regarding the pilot projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 1999 through 2002.

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting "awards (including nominal cash awards) and recognition," after "lodging,"; and

(2) by inserting "without regard to their places of residence" after "volunteers".

(c) SENIOR VOLUNTEER CORPS.—Section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) is amended by striking paragraph (6) and inserting the following:

"(6) SENIOR VOLUNTEER CORPS.—The Secretary of the Interior may establish a Senior Volunteer Corps, consisting of volunteers over the age of 50. To assist in the recruitment and retention of the volunteers, the Secretary may provide for additional incidental expenses to members of the Corps beyond the incidental expenses otherwise provided to volunteers under this subsection. The members of the Corps shall be subject to the other provisions of this subsection.".

SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) is amended by adding at the end the following:

"(d) COMMUNITY PARTNERSHIP ENHANCEMENT.—

"(1) DEFINITION OF PARTNER ORGANIZATION.—In this subsection, the term 'partner organization' means an organization that—

"(A) draws its membership from private individuals, organizations, corporations, academic institutions, or State or local governments;

"(B) is established to promote the understanding of, education relating to, and the conservation of the fish, wildlife, plants, and cultural and historical resources of a particular refuge or complex of geographically related refuges; and

"(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code.

"(2) COOPERATIVE AGREEMENTS.—

"(A) IN GENERAL.—The Secretary of the Interior may enter into a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government agency to carry out 1 or more projects or programs for a refuge or complex of geographically related refuges in accordance with this subsection.

"(B) PROJECTS AND PROGRAMS.—Subject to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, and such terms and conditions as the Secretary determines to be appropriate, the Secretary may approve projects and programs for a refuge or complex of geographically related refuges that—

"(i) promote the stewardship of resources of the refuge through habitat maintenance, restoration, and improvement, biological monitoring, or research;

"(ii) support the operation and maintenance of the refuge through constructing, operating, maintaining, or improving the facilities and services of the refuge;

"(iii) increase awareness and understanding of the refuge and the National Wildlife Refuge System through the development, publication, or distribution of educational materials and products;

"(iv) advance education concerning the purposes of the refuge and the mission of the System through the use of the refuge as an outdoor classroom and development of other educational programs; or

"(v) contribute financial resources to the refuge, under terms that require that the net revenues be used exclusively for the benefit of the refuge, through donation of net revenues from the sale of educational materials and products and through encouragement of gifts, devises, and bequests.

"(C) FEDERAL FUNDING AND OWNERSHIP.—

"(i) MATCHING.—Subject to the availability of appropriations and the requirements of the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law, the Secretary may provide funds to match non-Federal funds donated under a cooperative agreement under this paragraph. With respect to each project or program, the amount of funds provided by the Secretary may not exceed the amount of the non-Federal funds donated through the project or program.

"(ii) USE OF FEDERAL FUNDS.—Any Federal funds used to fund a project or program under a cooperative agreement may be used only for expenses directly related to the project or program and may not be used for operation or administration of any non-Federal entity.

"(iii) OWNERSHIP OF FACILITIES.—Any new facility, improvement to an existing facility, or other permanent improvement to a refuge constructed under this subsection shall be the property of the United States Government.

"(D) TREASURY ACCOUNT.—Amounts received by the Secretary of the Interior as a result of projects and programs under subparagraph (B) shall be deposited in a separate account in the Treasury. Amounts in the account that are attributable to activities at a particular refuge or complex of geographically related refuges shall be available to the Secretary of the Interior, without further appropriation, to pay the costs of incidental expenses related to volunteer activities, and to carry out cooperative agreements for the refuge or complex of refuges.".

SEC. 6. REFUGE EDUCATION PROGRAM DEVELOPMENT.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 5) is amended by adding at the end the following:

"(e) REFUGE EDUCATION PROGRAM ENHANCEMENT.—

"(1) GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary of the Interior shall develop guidance for refuge education programs to further the mission of the National Wildlife Refuge System and the purposes of individual refuges through—

"(A) providing outdoor classroom opportunities for students on national wildlife refuges that combine educational curricula with the personal experiences of students relating to fish, wildlife, and plants and their habitat and to the cultural and historical resources of the refuges;

"(B) promoting understanding and conservation of fish, wildlife, and plants and cultural and historical resources of the refuges; and

"(C) improving scientific literacy in conjunction with both formal and nonformal education programs.

"(2) REFUGE PROGRAMS.—Based on the guidance developed under paragraph (1), the Secretary of the Interior may develop or enhance refuge education programs as appropriate, based on the resources of individual refuges and the opportunities available for such programs in State, local, and private schools. In developing and implementing each program, the Secretary should cooperate with State and local education authorities, and may cooperate with partner organizations in accordance with subsection (d).".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f) (as amended by section 6) is amended by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out subsections (b), (c), (d), and (e) $2,000,000 for each of fiscal years 1999 through 2004.".

Mr. SAXTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, as the author of H.R. 1856, the National Wildlife Refuge System Volunteer and Community Partnership Act, I am pleased to report that the Senate has passed this bill with amendments and returned it to us.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at National Wildlife Refuges and other Service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing visitor centers, to hunter safety classes, and operating heavy equipment.

I introduced H.R. 1856 after a field hearing held near the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey. That hearing addressed the large maintenance backlog at refuges. We heard from several local volunteer conservation groups who pointed out problems with the existing volunteer program. This bill is intended to solve those problems.

The biggest obstacle to improving the volunteer program is a shortage of staff at refuges. We can't expect refuge employees who have full-time operation and maintenance duties to also donate all of their weekends to working with volunteer groups. H.R. 1856 would address this problem by establishing up to 20 pilot projects for the purpose of hiring full-time volunteer coordinators. This will make it much easier for the Service and conservation groups to work together for the benefit of refuges.

H.R. 1856 also makes it easier for interested individuals and groups to donate money or services to refuges. It would ensure that gifts to a particular refuge will actually go to that refuge, instead of disappearing into a nationwide account.

Finally, the bill allows refuge managers to enter into cooperative agreements with local conservation groups to conduct projects on refuges. Again, these provisions are designed to make it easier for refuge managers to cooperate with local organizations. For example, if a volunteer group were interested in constructing a wildlife observation tower or other improvement at a refuge, this section would allow the refuge manager to contribute materials or staff assistance to the project.

All of these provisions are designed to make it easier for volunteers who are interested in helping to conserve fish and wildlife to contribute their skills and enthusiasm to our National Wildlife Refuges. Over the last two years, Congress and the Administration have significantly increased the resources available to Refuge operations and maintenance. However, even with those increased resources, the use of volunteers who donate their time and energy is still needed to allow the Refuge System to meet its conservation and management goals. By making it easier for them, this bill

will enhance an already successful program and ultimately benefit fish and wildlife conservation throughout the National Wildlife Refuge System.

I urge you to agree to clear H.R. 1856, as amended by the Senate, and to send it to the President for signature. Together with the historic National Wildlife Refuge System Improvement Act of 1997 (P.L. 105–57) and increased funding, this Congress has done more for our National Wildlife Refuge System than any other in the last 30 years.

I urge the House to accept the Senate amendments on H.R. 1856.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1856, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO NELSON ROLIHLAHLA MANDELA

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Commitee on House Oversight be discharged from further consideration of the House concurrent resolution (H.Con.Res. 326) permiting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Mandela, and I ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 326

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE STUDY ACT OF 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1695) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1695

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 "Sand Creek Massacre National Historic Site Study Act of 1998".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to a peaceful Cheyenne village of more than 100 lodges on the Big Sandy, also known as Sand Creek, located within the Territory of Colorado, and in a running fight that ranged several miles upstream along the Big Sandy, slaughtered several hundred Indians in Chief Black Kettle's village, the majority of whom were women and children;

(2) the incident was quickly recognized as a national disgrace and investigated and condemned by 2 congressional committees and a military commission;

(3) although the United States admitted guilt and reparations were provided for in article VI of the Treaty of Little Arkansas of October 14, 1865 (14 Stat. 703) between the United States and the Cheyenne and Arapaho Tribes of Indians, those treaty obligations remain unfulfilled;

(4) land at or near the site of the Sand Creek Massacre may be available for purchase from a willing seller; and

(5) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek and to their tribes, and those descendants and tribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service.

(2) SITE.—The term "site" means the Sand Creek massacre site described in section 2.

(3) TRIBES.—The term "Tribes" means—

(A) the Cheyenne and Arapaho Tribe of Oklahoma;

(B) the Northern Cheyenne Tribe; and

(C) the Northern Arapaho Tribe.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary, in consultation with the Tribes and the State of Colorado, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the site.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, S. 1695, a bill introduced by Senator BEN NIGHTHORSE CAMPBELL, will begin the process to protect an important part of our western historical heritage—The Sand Creek Massacre Site.

S. 1695 authorizes the Secretary of the Interior to conduct a resource study of the Sand Creek Massacre Site located in Colorado and also determine the feasibility and suitability of designating the site as a unit of the National Park System. The study will include cost estimates for any necessary acquisitions, development, and operations, along with identifying alternatives for the management of the historical site.

Mr. Speaker, this is an important bill which begins the process of conducting the resource study of a significant piece of our western history.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1695, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

IN RECOGNITION OF ERIC GROSS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to recognize a true American hero. He did not hit home runs, he did not score touchdowns, he did not star

in any movies, but what Eric Gross did do in his 33 years of public service was provide an unparalleled role model as both a teacher and friend for students attending Carmel High School in Carmel, New York.

Mr. Speaker, I come to the House floor today to honor Eric, because this marks the first September since 1965 that he will not be heading back to school along with the students of Carmel High School. Although Eric continues his career as a journalist, he has retired from the profession to which he has given the most of his time. Eric served his 33 years as a speech therapist, helping youngsters overcome all types of challenges.

The beneficiaries of Eric's retirement from Carmel High School of course are his wife, Barbara, and his children, Kimberly and Andrew, who will now be able to spend more time with this thoughtful and giving man.

Eric Gross will be greatly missed at the institution where he served so long and gave so much. He will be missed by both students and colleagues alike throughout the entire school district.

Mr. Speaker, I wish Eric all the best in his retirement and salute him for his 33 years of public service as a teacher. He is a true American hero.

RENAMING THE CAPITOL HILL POLICE HEADQUARTERS IN MEMORY OF OFFICERS ENEY AND CHESTNUT AND DETECTIVE GIBSON

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I have today introduced in the House a concurrent resolution. That resolution renames the headquarters of the Capitol Police in the memory of Officers Christopher Eney, Jacob Chestnut and Detective John Gibson. I am introducing this resolution along with Senator PAUL SARBANES, and I know that many Members on both sides of the aisle will want to cosponsor it as well.

Mr. Speaker, these men are fallen heroes of the Capitol Police. Officer Eney lost his life during a training exercise in August of 1984. He was the first Capitol officer to lose his life. As we tragically know, Officer Chestnut and Detective Gibson were struck down in the line of duty just a few weeks ago on July 24. They were defending this Capitol, innocent citizens, staff and Members from a maniacal and senseless shooting spree at this Capitol.

Mr. Speaker, August 24, 1984, and July 24, 1998 will forever remind us that the risk is always present for those we ask to defend this free society. The Capitol police force, as a family who wish to honor the colleagues of the family who died while performing their duties by renaming their headquarters after them.

This resolution would rename the United States Capitol Police Headquarters as "The Eney Chestnut Gibson Memorial Building." This was popularly selected by the Capitol police and reflects the order in which each man lost his life.

I am proud and honored on behalf of all of my colleagues to work with Senator SARBANES and his colleagues in the Senate to honor these heroes and their families.

Mr. Speaker, these men and women of law enforcement, like those we ask to join the armed forces and defend freedom abroad, are responsible for us being able to meet in this body in a society that honors peace and order and law. The least we can do as a people is to honor our fallen officers by naming the headquarters where they served with dignity and pride.

I know that my colleagues will want to join me in cosponsoring this resolution.

RELIEF FOR AMERICA'S STRUGGLING FARMERS

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Mr. Speaker, yesterday afternoon I joined the gentleman from Oregon (Mr. BOB SMITH) and the Speaker of the House in announcing a much needed relief package for America's struggling farmers. This $3.9 billion package is a broad-based attempt to help all producers throughout this Nation who have suffered from both low prices and natural disasters.

The package includes $2.25 billion that will be used to address crop disaster losses and $1.65 billion that will go to farmers eligible for Freedom to Farm contracts.

I was thoroughly disappointed, though, in the lukewarm response our package received from our Nation's Secretary of Agriculture. His promotion of a more limited package that has failed in the Senate 4 times is alarming.

Mr. Secretary, please give our package a fair view. Take partisan gamesmanship out of the equation. Substance must take precedent over rhetoric. And by the way, I would urge you to use the Export Enhancement Program. In the last 3 years you have sat on over $1 billion that should be used to open world markets to our producers. The time to act is now.

□ 1315

ELECTION YEAR DEMAGOGUERY

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, what a difference an election year makes. Just last year, most Democrats worked with Republicans to balance the budget and cut taxes. But how soon they forget.

Last summer, they voted to cut taxes while we had a budget deficit. Apparently, according to Democrats, cutting taxes when you have a deficit does not threaten Social Security, but when you cut taxes in times of a budget surplus, suddenly they say that threatens Social Security.

This is a classic, classic example of election year demagoguery. We see the Democrats embrace demagoguery over Social Security every election year as sure as night follows day.

It is hard to know whether the Democrats are exploiting Social Security because they oppose tax cuts or because they just cannot resist scaring seniors yet again about Social Security.

Lies about cuts in Medicare are now followed by absurd charges that what will happen to Social Security if people are allowed to keep a little bit more of what already belongs to them. What a difference an election makes year makes, Mr. Speaker.

DO NOT CENSOR GRAND JURY TAPES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, some people want us to censor the tapes of the President's Grand Jury testimony. We should not be in the business of censoring things for partisan political purposes.

The same people who want us to censor the President's tapes would scream to high heavens if we had refused to release the Nixon tapes.

As U.S.A. Today, the Washington post, and many publications and columnists have pointed out, these difficulties were not brought on by enemies of the administration. We should not do anything to cover up perjury. We should not censor these tapes.

RECHARGE IMF

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, agriculture needs to have the International Monetary Fund recharged so that our markets in Asia and elsewhere can once again become stable trading partners.

Yet, we have heard some say Congress should not recharge the reserves because the IMF has not been successful in helping ailing currencies.

The causes of Asia's currency problems are far too complex to lay blame, entire blame with the IMF. However, there is a simple truth: When Asia's

economies suffer, so do American exports and jobs.

We must redefine our relationship with the IMF so that we get a better accounting of how our limited tax dollars are used. Yet, reforming this relationship and recharging the IMF's reserves do not need to cancel each other. The House should follow the Senate's lead in approving IMF's recharge, while at the same time placing conditions on the use of these funds.

The sooner Asia's currency is rebound, the sooner agriculture can export our surpluses.

START HELPING OUR FARMERS

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, "if American agriculture does not grow, it dies." Those are the words of the current Secretary of Agriculture.

I represent a district with some of the richest farmland in America, the 5th district of Washington State. I know firsthand that the growth of world markets for Washington wheat and other commodities is essential to the survival of our farmers.

Secretary Glickman's words do not match the actions or, better said, the inactions of the U.S. Department of Agriculture. Our government has failed miserably to aggressively address the increasingly aggressive trade policies of competing nations which are glad to help their farmers capture markets abroad. Yet our government does not use the tools Congress made available to this administration to allow our farmers to compete against other governments who help their farmers.

This administration cuts agriculture research funding, opposes free market farmer assistance, will not use the export enhancement program, resist tax relief for farmers, and slashes the Foreign Market Development Program.

Mr. Secretary, please start helping our farmers.

REDUCE THE BURDEN ON AMERICAN FAMILIES

(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 cog wheel of liberal logic has just a few teeth missing. It seems that my Democratic colleagues on the other side of the aisle are complaining because Republicans want to use one thin dime of each dollar of the budget surplus to reduce the burden on hard working middle class taxpayers.

Of course the liberal Democrats whine and complain because this means they cannot spend money to grow a more expensive, more intrusive Federal bureaucracy. Well because this is not salable to the American public, their latest claim is that they want to use the entire surplus to save Social Security.

Mr. Speaker, it is these very same liberals who are the reason Social Security is going bankrupt. They are the ones that continually borrowed from the trust fund to promote their dying social agendas, only to replace the money with their favorite three letters, IOU.

Let us allow hard-working Americans to keep some of the money they have earned. Let us allow a couple to marry without being punished by the IRS. Let us allow the self-employed to finally afford health insurance by deducting 100 percent of the cost. Let us support our children, our families, our marriages. Let us support America's future.

Mr. Speaker, we can do all this and still save Social Security. No longer is it IOU, but it is our commitment to the future.

AGRICULTURE RELIEF PACKAGE

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, American farmers are facing the hardest times they have had in years, and the President has shown a complete lack of leadership in helping them.

With the Clinton administration sitting on the sidelines as our family farmers struggle, Congress is taking swift action to protect our family farmers for many years to come, also with respect to the current disaster situation.

Yesterday, I was pleased to join members of the House leadership in announcing the $3.9 billion agriculture relief package to address crop disaster losses. Also on yesterday, the House Committee on Ways and Means passed a tax package that is going to be very beneficial from a long range perspective for all small business people including farmers.

These relief measures will place real money into our farmers' hands in a time of great need. It is incumbent upon the Clinton administration to get off the sidelines and join Congress in swiftly approving this much needed disaster package.

HELP THE AMERICAN FARMER

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I would like to address the actions that the administration has taken in their budget proposal this year with the farm crisis going on.

I spoke yesterday about the $573 million tax increase that they propose to put on our livestock farmers who are dying out there today. Also, I would like to point out what they are doing to help the grain farmer and the person trying to do conservation work.

In their budget proposal, they want to tax people for the information to find out how to comply with the programs. So when you go into the NRCS office or you go to the FSA office, bring your checkbook because the administration says they are going to charge you to get information from you. It is outrageous.

I would just like to tell the Secretary of Agriculture and this administration, they have taken enough out of the hide of the American farmer, and they better go to work and try to help them rather than to continue to tax them and put them out of business.

MEDI-SCARE ALL OVER AGAIN

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, how destructive it is to honest debate to hear our liberal friends one after another claim that tax relief for farmers and ranchers will threaten Social Security. How incredibly dishonest, misleading and, yes, typical to be hearing those accusations.

Can someone on the other side please explain to me how it is that spending does not threaten Social Security but tax relief does?

How ironic that the party that does not bat an eyelash about spending billions and billions of dollars in failed welfare programs and wasteful bureaucracies, without uttering a peep about its impact on Social Security, now claims the tax relief for farmers and ranchers and families is going to threaten Social Security.

How ironic that the party that did not put one dime aside for 40 years to save Social Security now claims that they are interested in protecting the Social Security Trust Fund.

It is pure politics. It is a perfect example of how the other side plays the game.

Mislead seniors, again; oppose tax cuts, nothing new there; and accuse Republicans of undermining the very system that they are trying to reform. It is Medi-scare all over again. How sad.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

THE STEEL IMPORT CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I am introducing a concurrent resolution today, along with 76 of my colleagues as original cosponsors, which calls on the Administration to take all necessary measures to respond to the surge of steel imports resulting from the financial crises occurring in Asia, Russia and in other areas of the world.

In two briefings held last Thursday and today, the Congressional Steel Caucus heard from top executives of the large integrated steel companies, from the President of the United Steelworkers of America and top executives of other steel industry sectors. The news is not good. Steel imports are pouring into the United States at very low prices and are threatening the existence of the U.S. steel industry and the jobs of persons working in this important industry. And I should remind everyone that every job in the steel industry also supports numerous jobs in terms of suppliers and downstream industries.

We should not be faced with this situation—the U.S. steel industry and its workers have sacrificed over the last decade and have invested heavily to make this industry the most competitive in the world. Demand for steel is high and the industry is lean and competitive. But the industry and the jobs of its workers are being threatened by unfairly priced and unfairly traded steel imports.

Between June of 1997 and June of 1998, steel imports to the U.S. from Russia increased 45.8 percent; from Korea, 89.5 percent; from Japan, 113 percent; and from Indonesia, 308 percent. There are indications that these import figures will grow even larger in the third quarter of 1998.

We are asking that the Administration take the following immediate actions to help stem these injurious imports: (1) to pursue enhanced enforcement of U.S. trade laws to protect the domestic steel industry and its jobs; (2) to pursue all available remedies to ensure a more equitable sharing by other nations of the burden of accepting these imports; (3) to establish a task force to closely monitor steel imports into the U.S.; and (4) to report to Congress by January 5, 1999 on a comprehensive plan for responding to this import crisis.

We cannot stand by and lose this vital U.S. industry and these important jobs as foreign nations attempt to export their way out of their own economic woes.

TAX RELIEF LEGISLATION FOR FARMERS AND RANCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, there is a crisis in rural America. Yesterday, we announced a $3.9 billion relief package, which I hope will start us down the path toward recovery. Next week, the House will vote on important tax relief legislation for America's farmers and ranchers.

Now, I just want to warn the American people about one thing, because these are some of the ploys that are going to be used by our liberal friends. The argument is going to be made over and over again, by an endless parade of folks from the other side, that the Republicans are raiding Social Security to give tax cuts to their rich friends. I have got to admit, the other side is not creative but they are predictable: Try and scare older Americans.

The fact of the matter is, and make no mistake about it, that these are the same folks who ran the House for 40 years and did not put one dime into the Social Security trust fund. On the other hand, our leadership has committed that 90 percent of the surplus, or $1.4 trillion, will be walled off and put aside for Social Security.

So when you hear the endless parade of speakers from the other side come down here, listen but bear in mind one thing. The question is, who are you going to trust? Are you going to trust the people who 3 years ago took control of the Congress and said that we would balance the budget and did it, who said that they would reform welfare and did it, who said that they would cut taxes and did it, who said that they would save Medicare and did it, who said that they would reform the IRS and did it, and who are now saying that we will save Social Security by taking the surplus, 90 percent of it, $1.4 trillion, and walling it off to save Social Security? Or are you going to believe the folks on the other side who for 40 years did not put a penny into the Social Security trust fund?

That is the question I think the American people have to ask themselves because it really is a matter of who are you going to trust? I would submit to the American people that we have an opportunity, with the tax relief bill that we are going to be voting on next week, to wall off 90 percent of the surplus, $1.4 trillion, over the course of the next several years, to save Social Security, take the balance, 10 percent, about $80 billion, and bring tax relief to middle income Americans, to families, by addressing the marriage tax penalty and taking steps to begin to eliminate that; by creating a small, safe exclusion in the Tax Code that allows people to put money aside and not pay taxes on it and by helping hard working farmers and ranchers across this country, in my State of South Dakota, who are trying to make a living, and feel the heavy hand, the heavy burden of government through taxes and regulation, because the 10 percent of the surplus that will be used for tax relief in this package is going to address a number of important issues for farmers and ranchers in my State of South Dakota.

The first is the death tax. It is going to make it easier to pass on the family farm or the ranch or the small business on to the next generation so when people die they do not have to visit the IRS at the same time they visit the undertaker. That is an important change. It makes permanent income averaging, because farming and ranching is a very volatile business and this allows them to spread out over time their tax liability. It also allows for deductibility of health insurance premiums for self-employed people. Farmers and ranchers do not get to deduct important tax change.

It also allows for a loss carry-back provision in which farmers can go back to their five most profitable years and, if they have experienced losses currently, taking their current losses against those profits and receive a refund from the Internal Revenue Service.

□ 1330

Important cash relief and tax relief and cash flow assistance to agriculture, where they desperately need it today. But we are going to hear again the parade of our friends from the other side, and they are our friends, but the fact of the matter is they are going to use the same old well-worn arguments to say that the Republicans want to give tax cuts to their rich friends, raid Social Security to give tax cuts to their rich friends.

Mr. Speaker, I tell my colleagues one thing for certain. The farmers and ranchers in South Dakota are not rich. They are hard-working people who deserve a break, and we have an opportunity to do something that is meaningful to help them back on their feet and recover and back on to better times.

I hope that the American people, and I want to put them on notice today, because they are going to hear it time after time after time again. This is the same argument that we have heard before. They are going to go after and try to scare older Americans.

I say to America, do not believe it. We have a commitment to save Social Security. We have proven in the past that we keep our promises with welfare reform, with the balanced budget, with tax relief, with Medicare and IRS reform.

Who is America going to trust and who are they going to believe is going to save Social Security for the future of America? That is the question that the American people have to answer. I hope as we have this debate in the ensuing days, that people are keenly aware of the arguments that are going to be made. But Americans should look at the record and ask themselves who they are going to trust.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today on account of a family medical emergency.

Ms. SÁNCHEZ (at the request of Mr. GEPHARDT) for today on account of official business.

By unanimous consent, leave of absence was granted to:

Mr. PEASE (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

Mr. BILBRAY, 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. THUNE) and to include extraneous material:)

Mr. GALLEGLY.

Mr. SAXTON.

Mr. KING.

Mr. PAPPAS.

Mr. RADANOVICH.

Mr. SMITH of New Jersey.

Mr. FORBES.

Ms. PRYCE of Ohio.

Mr. KIND.

Ms. SLAUGHTER.

Mrs. MALONEY of New York.

Mr. CRAMER.

Mr. FARR of California.

Mr. STARK.

Mr. JOHN.

(The following Member (at the request of Mr. THUNE) and to include extraneous material:)

Mr. POMEROY.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1770. An act to evaluate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources, in addition to the Committee on Commerce, 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.

S. 1998. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes; to the Committee on Resources.

S. Con. Res. 103. Concurrent Resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet; to the Committee on International Relations

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Mr. THUNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 22, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triclopyr; Extension of Tolerances for Emergency Exemptions [OPP-300695; FRL 6021-5] (RIN: 2070-AB78) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11054. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deltamethrin; Pesticide Tolerance [OPP-300669; FRL-5795-2] (RIN: 2070-AB78) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11055. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Charter and Bylaws; One Member, One Vote [No. 98-89] (RIN 1550-AB17) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11056. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—1998 Reporting Notice and Technical Amendment; Partial Updating of TSCA Inventory Data Base; Production and Site Reports [OPPTS-82051; FRL-6028-3] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 119-4074a; FRL-6148-3] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11058. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to VOC Regulations for Dry Cleaning and Stage I Vapor Recovery [MD 061-3028a, MD 065-3028a; FRL-6148-1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11059. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM-10 Nonattainment Area [PA039/067-4077; FRL-6149-1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11060. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules [NM 22-1-7103a; FRL-6152-4] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11061. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 212-0092a; FRL-6142-5] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11062. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Aerospace Manufacturing and Rework Facilities [AD-FRL-6154-1] (RIN: 2060-AE02) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11063. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Natural Rubber-Containing Medical Devices; User Labeling; Cold Seal Adhesives Partial Stay [Docket No. 96N-0119] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11064. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Device Reporting: Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributor Reporting [Docket No. 98N-0170] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11065. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Final Rule To List the Illinois Cave Amphipod as Endangered (RIN: 1018-AE31) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11066. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Establishment of Class E Airspace; Fairfax, VA [Airspace Docket No. 98-AEA-13] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tidioute, PA [Airspace Docket No. 98-AEA-05] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11068. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Danville, VA [Airspace Docket No. 98-AEA-12] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11069. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Series Airplanes [Docket No. 98-NM-158-AD; Amendment 39-10720; AD 98-18-04] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D and E Airspace; Crows Landing, CA [Airspace Docket No. 98-AWP-12] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11071. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 98-NM-255-AD; Amendment 39-10735; AD 98-18-19] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11072. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B, and BN-2A MK. 111 Series Airplanes [Docket No. 97-CE-111-AD; Amendment 39-10723; AD 98-18-07] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11073. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; JOHNSON City, TX [Airspace Docket No. 98-ASW-33] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-90-30 and MD-88 Airplanes [Docket No. 98-NM-10-AD; Amendment 39-10733; AD 98-18-17] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11075. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29322; Amdt. No. 411] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11076. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Expansion of Restricted Area R-6002, Poinsett-Sumter, SC [Airspace Docket No. 94-ASO-9] (RIN: 2120-AA66) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11077. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 98-NM-242-AD; Amendment 39-10730; AD 98-18-14] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Prairie Du Chien, WI Correction [Airspace Docket No. 98-AGL-32] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11079. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped with Rolls-Royce Model RB211-535E4/E4B Engines [Docket No. 98-NM-183-AD; Amendment 39-10743; AD 94-13-02 R1] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11080. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98-NM-01-AD; Amendment 39-10732; AD 98-18-16] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 98-NM-167-AD; Amendment 39-10734; AD 98-18-18] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 98-NM-230-AD; Amendment 39-10731; AD 98-18-15] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11083. A letter from the the Kenneth W. Starr, the Office of the Independent Counsel, transmitting appendices to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of the Independent Counsel, September 9, 1998; (H. Doc. No. 105—311); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2661. A bill to establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105-730). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2869. A bill to amend the Occupational Safety and Health Act of 1970 to exempt safety and health assessments, audits, and reviews conducted by or for an employer from enforcement action under such Act; with an amendment (Rept. 105-731). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 2873. A bill to amend the Occupational Safety and Health Act of 1970; with an amendment (Rept. 105-732). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4068. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; with an amendment (Rept. 105-733). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 4006 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration. H.R. 2314 referred to the Committee of the Whole House on the State of the Union.

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. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. BECERRA, and Mrs. THURMAN):

H.R. 4597. A bill to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, to protect the solvency of the Social Security system, to reserve Social Security surpluses solely for the Social Security system, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4598. A bill to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 4599. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. KING of New York:

H.R. 4600. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to allow

group and individual health insurance coverage and group health plans to charge higher premiums to smokers; referred to the Committee on Commerce, 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. PAUL:

H.R. 4601. A bill to prohibit the closure of certain National Weather Service weather stations until concerns of the Comptroller General about the National Weather Service modernization effort are addressed; to the Committee on Science.

By Ms. PRYCE of Ohio (for herself, Mr. REGULA, Mr. STOKES, Mr. CHABOT, Mr. PORTMAN, Mr. HALL of Ohio, Mr. OXLEY, Mr. GILLMOR, Mr. STRICKLAND, Mr. HOBSON, Mr. BOEHNER, Ms. KAPTUR, Mr. KUCINICH, Mr. KASICH, Mr. BROWN of Ohio, Mr. SAWYER, Mr. TRAFICANT, Mr. NEY, and Mr. LATOURETTE):

H.R. 4602. A bill to name the Department of Veterans Affairs outpatient clinic located at 543 Taylor Avenue, Columbus, Ohio, as the "Chalmers P. Wylie Veterans Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

H.R. 4603. A bill to establish a portable retirement option for political appointees and congressional employees; referred to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, 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. TAUZIN (for himself, Mr. LIVINGSTON, Mr. BAKER, and Mr. JOHN):

H.R. 4604. A bill to direct the Minerals Management Service to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to compensate for oil and gas drainage in the West Delta Field; to the Committee on Resources.

By Mr. THORNBERRY:

H.R. 4605. A bill to establish an independent nonpartisan review panel to assess how the Department of State can best fulfill its mission in the 21st century and meet the challenges of a rapidly changing world; to the Committee on International Relations.

By Mr. HOYER:

H. Con. Res. 327. A concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building"; to the Committee on Transportation and Infrastructure.

By Mr. REGULA (for himself, Mr. MURTHA, Mr. QUINN, Mr. VISCLOSKY, Mr. ENGLISH of Pennsylvania, Mr. COYNE, Mr. LIPINSKI, Mr. WELLER, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. WALSH, Mr. MCINTOSH, Mr. CARDIN, Mr. MOLLOHAN, Mr. KUCINICH, Mr. STUPAK, Mr. BOSWELL, Mr. BISHOP, Mr. TRAFICANT, Mr. ADERHOLT, Mr. SNYDER, Mr. BACHUS, Mr. EHRLICH, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. HOLDEN, Mr. LEACH, Mr. LEVIN, Mr. PALLONE, Ms. STABENOW, Mr. MCHALE, Mr. COSTELLO, Mr. NEY, Mr. JENKINS, Mr. BARCIA of Michigan, Mr. BROWN of California, Mr. BUNNING of Kentucky, Mr. KLINK, Mr. BORSKI, Mr. BLAGOJEVICH, Mr. OBERSTAR, Mr. CALLAHAN, Mr. SOUDER, Mr. ROEMER, Mr. SAXTON, Mr. MCDADE, Mr. PARKER, Mr. BILIRAKIS, Mr. GEKAS, Mr. BALLENGER, Mr. CANNON, Mr. CRAMER, Mr. EVANS, Mr. GREEN, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SHUSTER, Mr. FOX of Pennsylvania, Mr. PASTOR, Mr. GOODLING, Ms. DELAURO, Mr. RAHALL, Mr. BERRY, Mr. EHLERS, Mr. HOBSON, Mr. HINCHEY, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. MASCARA, Mr. SAWYER, Mr. UPTON, Mr. VENTO, Mr. WHITFIELD, Mr. DINGELL, Mr. WISE, and Mr. STOKES):

H. Con. Res. 328. A concurrent resolution calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H. Res. 545. A resolution impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. CONDIT (for himself, Mr. DEUTSCH, and Mr. LAHOOD):

H. Res. 546. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. LAHOOD (for himself and Mr. GILLMOR):

H. Res. 547. A resolution expressing the sense of the House of Representatives that the President should reimburse the Federal Government for the estimated $4,400,000 in costs incurred by the Office of Independent Counsel in investigating his relationship with Ms. Monica Lewinsky; to the Committee on the Judiciary.

By Mr. PACKARD (for himself and Mr. SKAGGS):

H. Res. 548. A resolution recognizing that prevention of youth suicide is a compelling national priority; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. WATKINS.
H.R. 306: Mr. DICKS.
H.R. 322: Mr. SHAYS.
H.R. 979: Mr. BARTLETT of Maryland.
H.R. 1061: Mr. GOODLING.
H.R. 1288: Ms. PELOSI.
H.R. 2139: Ms. HOOLEY of Oregon.
H.R. 2224: Mr. MINGE.
H.R. 2537: Mr. PACKARD and Mr. BOB SCHAFFER.
H.R. 2754: Mr. HALL of Ohio, Mr. BONIOR, and Ms. DELAURO.
H.R. 2850: Mr. SHERMAN.
H.R. 3107: Mr. HINCHEY.
H.R. 3320: Mr. WATT of North Carolina.
H.R. 3503: Mr. BLAGOJEVICH and Mr. COSTELLO.
H.R. 3572: Mr. ABERCROMBIE and Ms. KILPATRICK.
H.R. 3653: Mr. FILNER.
H.R. 3710: Mr. ACKERMAN, Mr. CAMP, Mr. FARR of California, Mr. SHAW, Mr. HYDE, Mr. MALONEY of Connecticut, Mr. HANSEN, Mr. GOODLATTE, Mr. MANTON, Mr. OBERSTAR, and Mr. EHLERS.
H.R. 4016: Mr. HANSEN.
H.R. 4019: Mr. WAXMAN and Mr. DAVIS of Virginia.
H.R. 4065: Mr. ROYCE.
H.R. 4179: Mr. FILNER, Mr. BROWN of Ohio, Mr. FROST, Mrs. MEEK of Florida, Mr. UNDERWOOD, Ms. CARSON, and Mr. PRICE of North Carolina.
H.R. 4184: Mr. BOSWELL and Mr. ETHERIDGE.
H.R. 4185: Mr. BOSWELL and Mr. ETHERIDGE.
H.R. 4213: Mr. PAXON, Mr. DEAL of Georgia, and Mr. BRADY of Pennsylvania.
H.R. 4293: Mr. GEJDENSON and Mr. MENENDEZ.
H.R. 4316: Mr. UNDERWOOD.
H.R. 4369: Mr. COBURN.
H.R. 4398: Mrs. MORELLA and Mr. HILLIARD.
H.R. 4404: Mr. PARKER and Mr. WICKER.
H.R. 4449: Mr. COBLE, Mr. BASS, and Mr. TIAHRT.
H.R. 4455: Mr. LATHAM, Mr. HUTCHINSON, Mr. ENGLISH of Pennsylvania, Mrs. BONO, Mr. MANZULLO, and Mr. SNOWBARGER.
H.R. 4501: Mr. ENGLISH of Pennsylvania.
H.R. 4530: Mr. BOEHLERT, Mr. GILMAN, Mr. GANSKE, and Mr. KLUG.
H.R. 4583: Mr. LUTHER and Mr. MINGE.
H. Con. Res. 229: Mr. BRYANT, Mr. DEUTSCH, Mr. GOODLATTE, and Mr. YOUNG of Florida.
H. Con. Res. 274: Mr. BILIRAKIS, Ms. NORTON, Mrs. NORTHUP, Mr. FOLEY, Mr. WALSH, Mr. RAMSTAD, Mr. GREENWOOD, Mrs. THURMAN, Mr. ABERCROMBIE, and Mr. SMITH of New Jersey.
H. Con. Res. 290: Mr. HUTCHINSON, Mr. CANNON, Mr. COOK, Mr. BOB SCHAFFER, Mr. ENGLISH of Pennsylvania, Mr. ROYCE, and Mrs. BONO.
H. Con. Res. 317: Mr. BARRETT of Nebraska and Mr. GRAHAM.
H. Res. 460: Mr. DEAL of Georgia, Mr. COSTELLO, Mr. KILDEE, and Mrs. MYRICK.
H. Res. 523: Mr. TOWNS, Ms. NORTON, Mr. LANTOS, Mr. MENENDEZ, Mr. HOYER, Mr. ACKERMAN, Mr. MARKEY, Mr. DIXON, Mr. FARR of California, Mr. FROST, Mr. UNDERWOOD, Mr. CUMMINGS, Mr. MCGOVERN, Mr. HAMILTON, and Ms. KILPATRICK.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 8. September 17, 1998, by Mr. FILNER on H.R. 836, was signed by the following Members: BOB FILNER.

EXTENSIONS OF REMARKS

NATIONAL POW/MIA RECOGNITION DAY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. POMEROY. Mr. Speaker, I rise today to call to the attention of my colleagues, the observance of the National POW/MIA Recognition Day. To commemorate this day, there will be an interservice flyover of the Pentagon & two of the four pilots hail from my state of North Dakota. Captain Jon Wutzke, and Major Michael Wobbema, will pilot two F–16s from the 199th Fighter Wing of the North Dakota Air National Guard.

Otherwise known as the "The Happy Hooligans", this wing is one of the most proficient and decorated units in the U.S. military. It was the first Air National Guard Unit to fly in a NATO operation in 1986. In 1994 this group entered and won the William Tell Air Competition against fighter squadrons from around the world. Captain "Moose" Wutzke and Major Wobbema, will help focus the attention of our nation on the over 85,000 military personnel who have been taken Prisoner of War or became Missing in Action since the beginning of World War II. I've included their call names because this identifies them as more than just military personnel with a rank, but individuals with personalities.

The flight formation used in this event is the "Missing Man" formation in which the number three position flown by our Major Wobbema draws attention to those who have not returned. Having said that, we must not forget those who cannot experience the things we take for granted every day, our lives, our homes, our families and our country. These pilots are trying to remind us of the risk all our military personnel take so that we may continue our daily lives with safety and without fear.

INTRODUCTION OF LEGISLATION NAMING THE "CHALMERS P. WYLIE VETERANS OUTPATIENT CLINIC."

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. PRYCE of Ohio. Mr. Speaker, sadly, on August 14, 1998, former Representative Chalmers Wylie passed away at the age of 77. First elected to the House of Representatives in 1966, Chalmers Wylie served thirteen terms, rising to ranking member of the House Banking, Finance, and Urban Affairs Committee. Mr. Wylie dedicated his life to serving Ohio and, in particular, the people of the 15th District. He earned the respect and admiration of everyone with whom he came in contact and, still today, constituents speak of him fondly wherever I go.

While many knew of Chalmers Wylie's wonderful service in the House of Representatives, few people knew of his distinguished service during World War II. Chalmers Wylie was an Army combat veteran who was awarded the Purple Heart for wounds sustained while rescuing fallen comrades in Germany. Mr. Wylie also was awarded the Silver Star and Bronze Star, the Presidential Unit Citation with two oak-leaf clusters, as well as the French Croix de Guerre and Belgian Fourragere.

During his service in Congress, Chalmers Wylie also served as a distinguished member of the Veterans' Affairs Committee. In this position, he fought for the veterans of our nation and was instrumental in improving veteran access to medical care in Columbus, Ohio through the establishment of the Veterans Affairs Outpatient Clinic.

Today, with the support of the entire Ohio Delegation, I am introducing legislation to name the Department of Veterans Affairs Outpatient Clinic located at 543 Taylor Avenue, Columbus, Ohio, the "Chalmers P. Wylie Veterans Outpatient Clinic." I hope that my colleagues in the House will support the swift passage of this fitting tribute to Chalmers P. Wylie for his years of dedication and service to our nation.

TRIBUTE TO JULIA BALDERAS, LT. JOSE L. MORALEZ, DANIEL GARCIA PAYNE, DENNIS J. SANCHEZ AND DR. ROBERT SEGURA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Julia Balderas, Lt. Jose L. Moralez, Daniel Garcia Payne, Dennis J. Sanchez and Dr. Robert Segura for being selected 1998 Portraits of Success program honorees by KSEE 24 and Companies that Care. In celebration of Hispanic-American Heritage Month, these distinguished individuals were honored for their unique contributions to the betterment of their community.

Julia Balderas is a lifetime educator who has made significant contributions to her profession, her community and family. She is currently employed as a business and computer science instructor at Edison High School where she graduated in 1958. In 1962, Julia Balderas earned a baccalaureate degree in business from California State University Fresno. That same year, she returned to Edison High School and began her career in education, providing instruction in a variety of business and vocational development courses. During the early 1970's, Ms. Balderas furthered her professional career by completing her Masters Degree in Business at California State University, Fresno. She also worked as a cultural consultant, business instructor and administrator for various educational entities, including Fresno City College, Clovis Adult School and the California State Department of Education. In 1976, Ms. Balderas became an owner and partner of the Hacienda de Los Amiguitos Child Development Center. It became the only private bilingual preschool in the San Joaquin Valley. During the late 1970's and early 1980's, Ms. Balderas served as a lecturer at California State University, Fresno for the School of Business Administrative Sciences. She also lectured for the Chicano Leadership Conference for five years. Julia Balderas has been recognized not only for her outstanding leadership in education, but also for her passionate work on behalf of the poor. She is a founding member of MAPA (The Mexican American Political Association), an active member of El Concilio de Fresno, the League of Mexican American Women and dozens of other civic action groups that have made a real difference in the lives of thousands of people.

Lt. Jose L. Moralez began his law enforcement career with the Fresno Police Department as a cadet in 1974 and was sworn in as a police officer in 1977. In 1985, Lt. Moralez was promoted to the rank of Sergeant, followed by his promotion to Lieutenant in 1995. Lt. Moralez is currently assigned to the Southeast Policing District as its Field Commander. He oversees the evening operations of the unit as well as other city-wide operations. In addition to his patrol assignments, Lt. Moralez serves as Administrative Assistant to Chief of Police Ed Winchester. Lt. Moralez also participates as an instructor for the Advanced Officer Academy Courses at the Fresno Police Department. On the community front, Lt. Moralez is actively committed to working and expanding the Neighborhood Watch Association. Residents say they find him kind and approachable and turn to him often for his expert advice on home and neighborhood safety issues. Lt. Moralez also cares about and is involved with young people in our community. He has been very active in getting local merchants and residents to support inner city youth through the Boys and Girls Club. He recently spearheaded an effort to have the Boys and Girls Club repainted, after the facility started showing signs of a badly needed facelift. A source of pride for Lt. Moralez was coordinating and instructing at the Hispanic Residents Academy. This organization works to improve the working relationship between the police and the local residents. He and his wife Yolanda are blessed with two children.

Daniel Garcia Payne is a highly decorated and retired Marine Corps Officer. During the

latter part of his 23-year career with the military, he managed a half a billion dollar budget and earned numerous commendations for his outstanding service. He holds a degree in missile munitions from John C. Calhoun College in Alabama and a degree in law enforcement from San Jose City College. More recently, Mr. Payne has devoted much of his time and efforts to local organizations that are working to better our community. As a licensed ordained minister, he was very instrumental in the establishment of the Valley Community Church. The Church targets its ministry work toward Hispanics who are not attending church and who need spiritual and civic growth. I have the pleasure of having Mr. Payne serve as a co-chairman on my Congressional Hispanic Advisory Committee. He has served as Vice Chairman of the Republican Central Committee and the California State Republican National Hispanic Assembly. Because of his military background, Mr. Payne also volunteers his time to several local veteran organizations. He is the past commander and currently an officer of the American Legion Post 4. He is also an active member of the Veterans of Foreign Wars, the American G.I. Forum, and the Disabled American Veterans. Mr. Payne is also active with youth. For the past five years he has served as co-coordinator of the popular Toys for Tots Christmas effort, which provides 20,000 gifts to needy children. He also co-founded "Drug Dilemma", a life drama project that is working to discourage high school students from experimenting with drugs. He and his wife Mary Lynn have two daughters.

Dennis J. Sanchez was born in Hanford, California where he attended local schools. After high school he attended College of the Sequoias and later graduated from Cal Poly San Luis Obispo with a degree in agronomy. After college Mr. Sanchez returned to Hanford, and along with his brother Peter, began farming operations in the early 1950's. At the same time, he enlisted into the California National Guard 2nd Battalion 49th Infantry Division, and received an honorable discharge in 1964 as a First Lieutenant. In 1968 he co-founded Sanchez & Sanchez Grain. In 1974 he opened Sanchez Feed & Seed. Today he continues to work on the farming side of the business, while juggling a very busy civic schedule. Throughout his adult life, Mr. Sanchez has volunteered and contributed to several organizations—namely, the League of United Latin American Citizens, the Kings County Farm Bureau, the State Fair Board, the Tulare Kings Hispanic Chamber and the San Joaquin Valley Latino Vote Coalition. In 1994, Dennis Sanchez was elected to the Hanford City Council. As an elected official, he has furthered efforts in the areas of crime and juvenile delinquency prevention, job creation, and attracting new business into the Hanford area. Mr. Sanchez is the father of four children, and the proud grandfather of ten children. It is for these reasons that he was selected as a 1998 Portrait of Success.

Dr. Robert Segura is a professor of education at California State University Fresno, a position he has held since 1980. Dr. Segura earned a baccalaureate and masters degree from New Mexico Highlands University at Las Vegas, New Mexico. He attained a doctoral degree in curriculum and instruction from Washington State University in Pullman, Washington. In his current position, Dr. Segura provides instruction in the social and cultural foundations of education. Previously, he was responsible for the development, implementation and administration of federal and state projects that service the university and public schools in Fresno. Dr. Segura has also served as an educational presenter, evaluator and consultant to the U.S. Department of Education, California's Department of Education and dozens of universities across the country. He has assisted in such areas as bilingual education, the education of gifted minority students, desegreation policy, migrant programs and a myriad of other issues. Dr. Segura has also published a series of bilingual children's books which are based on the characters of "Chato" and "Sapo." Dr. Segura's delightful and intriguing collection follows Chato and Sapo on many adventures, discoveries and pitfalls that they experience in school. Dr. Robert Segura is also recognized for his involvement in the political arena. I have the pleasure of having Dr. Segura serve as both a community representative for me in Fresno County and a as co-chairman on my Congressional Hispanic Advisory Committee. In addition, he is a member of the Hispanic Task Force and has served as President of the Fresno Chapter of the Republican National Hispanic Association. Additionally, he chairs the Human Relations Commission for the City of Fresno.

Mr. Speaker, it is with great honor that I pay tribute to Julia Balderas, Lt. Jose L. Moralez, Daniel Garcia Payne, Dennis J. Sanchez and Dr. Robert Segura for being recognized as the KSEE 24 and Companies that Care 1998 Hispanic-American Portraits of Success honorees. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these fine individuals many more years of success.

IN HONOR OF NAO TAKASUGI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a native son of my district, a man who decided to become part of the solution when confronted by a reticent City Hall, and who turned that decision into a distinguished career on behalf of his fellow citizens.

Nao Takasugi will retire from the California Assembly this year after three dignified terms. He began his foray into politics in much the same way I began mine: Bureaucratic bungling forced him to take on his local government. He ran for the Oxnard City Council in 1976, won, and then got right to work. During his 10 years as mayor of Ventura County's largest city, Mr. Takasugi was credited with piloting it through its most productive years by creating jobs and encouraging economic growth.

In 1992, Mr. Takasugi decided to take his problem-solving expertise to the state level and ran successfully for the California Assembly in the 37th District. Bills he introduced that were signed into law include an expanded Taxpayer Bill of Rights, creation of a settlement authority for taxpayers in dispute with the California Franchise Tax Board, adding Hepatitis B to the list of diseases children must be vaccinated against prior to attending school, and creating a three-year pilot project to extend the school year for the Oxnard Union High School District.

Mr. Takasugi was well-prepared to be an effective legislator. He was valedictorian of Oxnard High School and received his bachelor's degree in accounting form Temple University before earning his MBA from Wharton School of Business and Finance. He speaks both Japanese and Spanish. He has been a successful businessman for more than 35 years. He and Judy have been married 46 years and have five grown children.

Once he became involved in government, Mr. Takasugi took it on with the same zeal with which he conducts his private life. He has chaired more than 25 local, statewide, and national boards and commissions, including the U.S. Conference of Mayors, the National League of Cities, and the Economic Development Advisory Board. He has become a recognized expert on transportation and government issues.

In short, Mr. Takasugi is a shining example of the power inside each individual to make a difference. He has made that difference on behalf of the people in his community, his county and his state. Mr. Speaker, I know my colleagues will join me in thanking Mr. Takasugi for his many years of selfless service and wish him well in any future endeavors.

WHAT HAPPENED IN WESTHAMPTON BEACH?

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, seven new inlets between Moriches Inlet and Quogue village line were created when the ocean broke through the dunes. Many dune houses were carried off their foundations, were broken in pieces, and were washed into Moriches Bay, or cast up on the Mainland. This was also the fate of the Moriches and the Potunk Coast Guard Stations. People in those beach houses, those fortunate enough to cling to roofs, or able to swim, were tossed up on the Oneck section of the village, or on the golf course. Of about 179 dunes homes, only a few remained, and those were lift in uninhabitable condition. Other areas of the village which were particularly badly hit were Beach Lane, Stevens Lane, Main Street, and Library Avenue.

The West Bay Bathing Beach (Swordfish Club) was destroyed. The Rogers' Beach Club (Rogers Pavilion) was badly damaged. The Quantuck Beach Club was washed away, and its clubhouse was later found one mile directly north on a Quogue lawn.

The south end of the West Bay Bridge (Swordfish Bridge) was torn off, rendering it

useless. The golf course was littered with wreckage from the beach. The Westhampton Yacht Basin was a shambles, with many work and pleasure boats either sunk, or up on the dry land.

Storekeepers and customers were taken by surprise, when a wall of ocean water, pushed by a storm surge, reached a height of six feet on Main Street. The water carried debris from the dunes with it. The first floor classrooms at the Six Corners School were inundated to a depth of nearly five feet, and many windows were blown in. Some two hundred children were in the school building as the storm approached. They were dismissed, and left the school unharmed, just in time.

All waterways and canals rose to unbelievable heights. Waves broke in Beaver Dam Creek, rose over Montauk Highway, and flooded Cook's Pond. Many village residents fled to higher ground, to the airport, or to Riverhead.

The Patio Building quickly became a storm emergency headquarters, and the Westhampton County Club was used as a temporary morgue. Twenty-nine people drowned. Breakdown of electricity, telephone and train service, water shortage and break off of telegraph communication, helped create deep distress in the village.

HARRY FREDERICK CASEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a journalist, a community leader, a father and a friend, Harry Frederick Casey.

Harry was born in Watsonville, California but by his high school years he had moved to King City which became his home. Harry attended University of California Berkeley, graduating in 1950 with a degree in journalism, and served in the United States Navy during World War II.

In 1952, Harry became a co-publisher of "The Rustler," the newspaper started by his grandfather in 1901, and his exceptional career in journalism began. By increments, Harry acquired other newspapers in the area, the Greenfield News, the Soledad Bee, and the Gonzales Tribune, He lent his expertise to professional organizations, serving as president of the California Newspaper Publishers Association in 1976, and as director of the California Press Association from 1986 to 1996 and president in 1993–94. Harry was nominated "Publisher of the Year" by Cal Press in 1981.

Harry was intricately involved in the life of his community. He was a charter member of the King City Junior Chamber of Commerce, and a member of the Rotary, Knights of Columbus, Toastmasters, American Legion, the Monterey County and State Cattlemen's Association, and the Monterey County Agriculture and Rural Life Museum. He served in public office on the King City Council. Harry's contributions did not go unrecognized. He was named "Jaycee of the Year", in 1961, and "Man of the Year" by the King City Chamber of Commerce in 1981. My father, State Senator Fred Farr, acknowledging him as setting the tone for his community, always invited Harry to the annual Buckeye weekends. The guests at these get-togethers included the leadership on the interior and coastal areas of Monterey County. The friendly and festive atmosphere had the combined purposes of conviviality, and of reminding ourselves of how much we value, and must care for, our region.

Harry's remarkable spirit is illustrated by the fact that he penned two novels, "Land of the Eagle" and "Pen and Plow" during his illness with cancer. A trilogy "Centennial Edition" has just been published as well.

Our hearts go out to Harry's family, his wife Peggy; his sons Richard and Bill; his daughters Sharon and Patty; his step-sons Michael and Patrick Barbree; his step-daughters Kelly, Shannon, Laurie, and Kathleen; and his 17 grandchildren.

Harry was a major influence in his community. His voice will be missed, yet his thoughts will remain a part of the cultural history of Monterey County. He was a friend. I miss him too.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. PRYCE. Mr. Speaker, during the week of September 14, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Monday, September 14, 1998

S. 2206—Community Opportunities, Accountability, and Training and Educational Services Act (Roll Call No. 426): Aye.

H. Con. Res. 304—Expressing the Sense of Congress Regarding the Culpability of Slobodan Milosovic for War Crimes, Crimes Against Humanity, and Genocide in the Former Yugoslavia (Roll Call No. 427): Aye.

H. Con. Res. 254—Calling on the Government of Cuba to Extradite to the United States Convicted Felon Joanne Chesimard and all other Individual who have Fled the United States to Avoid Prosecution or confinement for Criminal Offenses and who Currently Living Freely in Cuba (Role Call No. 428): Aye.

H. Con. Res. 185—Sense of the Congress on the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the U.S. to the Principles Expressed in the Declaration (Roll Call No. 429): Aye.

Tuesday, September 15, 1998

H.R. 4101 (Roll Call No. 430)—making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

On ordering the previous question: Aye.

H.R. 4103—Department of Defense Appropriations:

On motion to instruct conferees (Roll Call No. 431): Aye.

On motion to close portions of the conference (Roll Call No. 432): Aye.

H.R. 4328—making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999 and for other purposes:

On motion to instruct conferees (Roll Call No. 433): Aye.

H.R. 4194—making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporation, and offices for the fiscal year ending September 30, 1999, and for other purposes:

On motion to instruct conferences (Roll Call No. 434): Aye.

H.J. Res. 117—expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use (Roll Call No. 435): Aye.

S. 2073—to authorize appropriations for the National Center for Missing and Exploited Children (Roll Call No. 436): Aye.

H.R. 4382—to amend the Public Health Service Act to revise and extend the program for mammography quality standards (Roll Call No. 437): Aye.

Wednesday, September 16, 1998

H.R. 4300—to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

On agreeing to the McCollum amendment (Roll Call No. 438): Aye.

On agreeing to the Reyes amendment as modified (Roll Call No. 439): Nay.

On agreeing to the Traficant amendment (Roll Call No. 440): Aye.

On agreeing to the Waters amendment (Roll Call No. 441): Nay.

Final Passage (Roll Call No. 442): Aye.

H.R. 4550—to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand illegal drugs and the inappropriate use of illegal drugs:

On agreeing to the Taylor amendment (Roll Call No. 443): Nay.

Final Passage (Roll Call No. 444): Aye.

Thursday, September 17, 1998

H.J. Res. 128 (Roll Call No. 445)—making continuing appropriations for the fiscal year 1999 (Roll Call No. 445): Aye.

H.R. 4569—making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

H. Res. 542 (Roll Call No. 446)—providing for consideration of H.R. 4569 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purpose: Aye.

On agreeing to the Porter Amendment (Roll Call No. 447): Aye.

On agreeing to the Kennedy Amendment (Roll Call No. 448): Nay.

On passage (Roll Call No. 449): Aye.

Friday, September 18, 1998

H.R. 3248—Dollars to the Classroom Act:

On agreeing to the Mink amendment: (Roll Call 450): Nay.

On agreeing to the Martinez amendment (Roll Call 451): Nay.

On passage: (Roll No. 452): Aye.

TRIBUTE TO THE ST. GEORGE GREEK ORTHODOX CHURCH IN FRESNO IN CELEBRATION OF ITS 75TH ANNIVERSARY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate St. George Greek Orthodox Church for its 75 year anniversary in Fresno. St. George Church and its parish have established a strong foundation of moral guidance and deep religious Christian faith within Fresno's community.

St. George Greek Orthodox Church of Fresno was established in 1924 by several Greeks who emigrated to the San Joaquin Valley and settled in the Fresno area during the late 1800's. The early settlers established farms and started family businesses. The Greek community of Fresno was formed by the growing families of these early settlers. Many men from the Greek community served and fought in World War II.

St. George Church was established for the mutual benefit of the Greek community to preserve their religion, culture and language. The Church formed the first philanthropic society of women to assist the needy and to serve the community of Fresno. In 1955, St. George built a new church on a five-acre site and added a social hall shortly thereafter. St. George continued its expansion and built a school building for religious and cultural education and an audio-visual studio to support these educational activities.

St. George Church has initiated educational programs to reach out to the children, youth, and seniors in the Fresno area. St. George also reaches out to the growing multicultural, non-Greek Eastern Orthodox following including other Americans, Russians, Armenians, Lebanese, Serbians, Eritreans, Bulgarians, and Asians.

Mr. Speaker, I rise today to pay tribute to St. George Greek Orthodox Church of Fresno for its 75 year anniversary. St. George Church and its parish have established a strong foundation of moral guidance and Christian faith in its service to the community of Fresno. I ask my colleagues to join me in wishing St. George Greek Orthodox Church many more years of success.

A TRIBUTE TO PAT & ANN CIMMARUSTI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to honor two people whose lifetimes of service to others serves as a model to which others should strive.

Pat and Ann Cimmarusti will be honored tonight by UNICO National, Los Angeles Chapter. UNICO stands for Unity, Neighborliness, Integrity, Charity and Opportunity to serve. This husband and wife team have embodied that spirit over the years and are profoundly deserving of the honor.

Ann and Pat have been married for 56 years. They have raised three children, Loretta, Larry, and Ralph, who have brought into the family son-in-law Richard, and daughters-in-law Amalia and Hallie. Those unions have in turn blessed Ann and Pat with seven grandchildren and one great-granddaughter. Pat and Ann stand for family and unity and have been blessed by success and love by adhering to the UNICO motto of "Service above Self."

That service has extended far beyond their immediate family. Through UNICO, a national organization since 1947, Ann and Pat have given to a variety of organizations, such as hospitals, churches, families, and much, much more. UNICO provides a variety of scholarships and awards. Members actively participate in the Easter Seal project and raise funds for victims of national and international disasters. In 1987, UNICO founded Hope University, UNICO National College for the gifted and mentally retarded.

Pat and Ann Cimmarusti are in no small part responsible for the organization's continued success.

I know my colleagues will join me in extending our congratulations to this remarkable couple as they are honored for a lifetime of selfless service to others.

APPOINTMENT OF CONFEREES ON H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BERRY. Mr. Speaker, I rise today in support of American farmers. It is undeniable that there is an emergency facing the farming communities across the country. Natural disasters, global oversupply, diminished overseas demand, and low prices have combined to create this emergency.

I am a strong supporter of maintaining a balanced budget, but emergency designation for this additional spending is fully justified. It is a true emergency when our agriculture base is in danger of collapsing. This funding is an investment in our future prosperity and it is essential that it be delivered quickly.

This funding will not be a permanent solution, nor perhaps will it be nearly enough to adequately address the growing crisis. We must do much more to provide farmers and farming communities a safety net that works. Now, however, we have the opportunity to take immediate steps to address an immediate emergency.

I urge my colleagues to support this instruction and to support America's farmers.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

Mr. FARR of California. Mr. Chairman, I would like to state my concern with H.R. 4300, the so called Western Hemisphere Drug Elimination Act.

I want to talk about a problem that already exists and which will only be exacerbated by Title III of this legislation. Title III authorizes $65 million to the U.S. Agency for International Development to create and develop programs to urge farmers to stop growing crops that may be used to create illegal drugs and replace them with other crops.

Since enactment in 1991, the Andean Trade Preference Act (ATPA) has provided duty-free access to the U.S. market for flower exporters in four Latin American countries: Colombia, Bolivia, Ecuador, and Peru. For seven years it has allowed flower growers in these four countries to avoid tariffs normally imposed on their product. These tariffs range from 3.6 percent to 7.4 percent.

The purpose of this preferential treatment was intended to encourage Andean countries to develop legal alternatives to drug crop cultivation and production, the same intention of Title III that we are considering now. This policy has failed in Colombia. Coca eradication efforts to date in Colombia have been lest than anticipated.

For the third consecutive year Colombia has failed in its efforts to be fully certified, or reduce the production of illegal drugs. In order to maintain an open dialogue, the Administration recently made the determination to put forward a national-interest waiver with respect to Colombia.

Cultivation of coca, the raw material used to make cocaine, has dropped significantly in all of the Andean countries except Colombia. The Colombian coca crop expanded more than 30 percent from 1996 to 1997, from almost 51,000 hectares to over 67,000 hectares. Alternative crops developed in Colombia include cut flowers such as roses and carnations and then exported to the United States. Colombia now has the distinction of producing 80 percent of the world's cocaine and over 70 percent of the cut-flower imports into the United States.

The latter has resulted in a steady weakening of the American flower industry. Since the enactment of ATPA, the number of American chrysanthemum growers has fallen by 25 percent, the number of carnation growers has fallen as by much as one-third and the remaining major commercial types have fallen in the double-figure range as well. California flower growers go out of business at a rate of 10 percent per year.

California grows 22.1 percent of the Nation's cut flowers. In 1997 alone, flowers and foliage sales brought $729 million to the states economy. Although California is ranked number one in flower production, 77.9 percent of the industry is scattered throughout the United States, in my colleagues districts. In 1997 in California, more than 270 million rose blooms were sold for nearly $69 million. In my district in Monterey county alone, 75 million rose blooms were sold for more than $18 million.

We must oppose the continuation or expansion of a policy that has proved ineffective and is, in fact, detrimental to our own citizens and businesses.

Also of serious concern is the lack of reference to human rights protection in this bill. The countries who will "benefit" from this bill have some of the worse human rights abuse records in the hemisphere.

Since 1988, an average of ten people per day have died as a result of the political conflict in Colombia. In Bolivia in the first few months of 1997 at least six individuals were killed in confrontations with antinarcotics police, including a 3-month-old baby, a six-year old child and a 53-year-old woman.

There is no assurance that funds, equipment, or training intended for drug eradication will not be used against innocent citizens or for the benefit of the recipients. One Colombian General, when asked if counter-narcotics aid might be used against guerrillas struggling for political recognition, whether or not they are involved in drugs said, "It's the same organization, and everyone in it is responsible," To avoid corrupt law-enforcement officials in Mexico, elite units were formed, trained, and given helicopters by the U.S. Now, two years later, some 80 members of these elite units have been under investigation on allegations that some took hundreds of thousands of dollars in bribes to transport drugs to the U.S.

Concerned Members have been fighting to stop the School of the Americas from training the next generation of human rights abusers, but this bill wants to create not one but THREE new academies to train individuals in so called "drug-prevention efforts." These are nothing but human rights abuse academies.

I have seen no convincing reason to believe that a new infusion of $2.3 billion for counter narcotics programs in Latin America will prove more successful, and less damaging, than the billions of dollars that have been spent on similar programs over the past fifteen years.

Funds for international narcotics control efforts have increased 150 percent in the last ten years. Coca cultivation is 11.7 percent higher and opium production has doubled in the past 10 years. Colombia, the largest recipient of U.S. counter-drug assistance, has received nearly one billion dollars to date. Yet over the last decade, total drug production in Colombia has risen an estimated 260 percent.

In short: drugs are a serious problem—but Congress and the Administration must pursue a more careful and intelligent policy toward Colombia—both to fight drugs, and protect the human rights and safety of the Colombian people.

WHAT HAPPENED IN QUOGUE?

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, the storm wave broke through the dunes at several places in Quogue; at the western end; at what is now the Surf Club; and at the east end, east of the Quogue Beach Club.

As the ocean came over at the Westhampton Beach-Quogue line, it took with it the Quantuck Beach Club, five of six houses east of the club, and severely damaged the Kennedy houses. The inlet thus created was called the "Quantuck Inlet," and said to have been 400 feet wide and 20 feet deep at its deepest point. Ocean waves poured through this inlet into Quantuck Bay and the Quogue Canal, washing north nearly a mile. The flood waters tore out the Causeway between Quiogue and Quogue Wildlife Refuge. As the water surged up Assop's Neck Lane, the Church of the Atonement rose up off its foundation and headed toward Quogue Street, but was held fast by a row of small trees.

The effects of the surge were felt in the southwestern part of Quogue, as flood water reached a depth of about a foot at Quogue Street and Jessup Avenue, and higher in the more westerly portion. This water subsided rather quickly, after the surge was over.

As the ocean came over at the Surf Club, the club was damaged. The Beach Lane Bridge was destroyed by a combination of flood waters and large pieces of debris, and the entire area on both sides of the canal and up Beach Lane was badly hit. Ogden's Pond overflowed, ruining the second nine holes of the Field Club golf course. The lower part of the Shinnecock Yacht Club collapsed, leaving the second story loft on the ground.

Up in the village, high wind and driving rain took down trees, utility poles and power lines. The Quogue School was used as a temporary emergency shelter for some storm victims. Quogue residents lucky enough to be on high ground, opened their homes to others.

The storm spared the dunes between the two bridges, Beach Lane Bridge and Ocean Avenue Bridge. The latter structure was not destroyed, but badly damaged. Two Quogue young men in their early twenties, Charles Lucas and Tommy Fay, were drowned while attempting some rescue work.

The far easterly end of the Dune Road suffered severe damage, with the Quogue Beach Club half washed away, and several houses east of it completely wrecked.

TRIBUTE TO MR. TOM GOODMAN THRASHER OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CRAMER. Mr. Speaker, I would like to place in the CONGRESSIONAL RECORD a tribute to Mr. Tom Goodman Thrasher of Huntsville, Alabama, for his devotion to the advancement of our community and the well-being of our citizens.

Mr. Thrasher is the co-recipient of this year's James Record Humanitarian Award presented by the Arthritis Foundation. In his work for economic, social, and cultural development, Mr. Thrasher has indeed embodied the virtues of a humanitarian.

Born and raised in Alabama, Mr. Thrasher served our nation in the Army during the Second World War. After he returned stateside and received his discharge as a Lieutenant Colonel, he opened Thrasher Oil Company in Huntsville under a Shell Company franchise. He has been engaged in the business since its formation, with the exception of his call to active duty at Redstone Arsenal during the Korean War.

Mr. Thrasher's community involvement spans an amazing range of civic organizations and important causes. He has served as president of the Huntsville City School Board, chairman of the Industrial Development Board of Huntsville, and director of the Huntsville-Madison County Chamber of Commerce, just to name a few. He is the recipient of the highest honor that the Army can give a civilian—the Distinguished Citizen Service Medal. He has also received an honorary Doctorate in Humanities from the University of Alabama in Huntsville, as well as Huntsville's Outstanding Citizen of the Year Award.

Mr. Thrasher's outstanding contributions to the military are not limited to his service on active duty. As an original member and vice chairman of the Army Community Relations Committee, he has played a critical role in making Huntsville's defense community the pride of our state and our nation.

Mr. Speaker, it is with great pride that I pay tribute to Mr. Thrasher on the occasion of his receiving the Arthritis Foundation's Humanitarian Award, and I thank him for the leadership and vision that has helped make us the prosperous region we are today.

TRIBUTE TO SHERIFF STEVE MAGARIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Fresno County Sheriff Steven Magarian. Sheriff Magarian has been an inspirational role model to the law enforcement here in the 19th Congressional District.

As Chief Executive Officer for the County of Fresno Sheriff's Department, Sheriff Magarian leads, directs and manages a highly sophisticated, diversified and complex organization. Operating throughout a 6,000-square mile area, he holds responsibility for meeting the needs of residents throughout Fresno County, with an annual Department budget in excess of $60 million and personnel of approximately 1,000.

In his vital role, Sheriff Magarian has earned the public's trust, confidence, and support. Through his hard work, he established the department's primary mission. It is a mission that upholds fairness, justice and responsiveness

to public needs and feelings while enforcing the law and protecting life and property.

Sheriff Magarian's leadership has guided the efforts and demeanor of the Department to conform with the high standards expected by the public. In administering the Patrol, Detective, Jail and Administrative divisions, his underlying commitment is to maintain the integrity of the constitutional rights as established by the framers of our Constitution.

Sheriff Magarian graduated from California State University, Fresno in 1972. In 1974 he received his Masters Degree in Criminology with distinction.

Sheriff Magarian has worked hard in the law enforcement arena. He created and implemented a county-wide narcotic suppression program through acquisition of a $500,000 state grant. This grant has been increased to $900,000 and approved for its eighth consecutive year. He also developed a highly successful Tactical Unit within the Patrol Division which targeted property crimes and arrested dozens of criminals. At a cost of only $35,000, this Unit successfully recovered several hundred thousand dollars in stolen property and returned property to its legal owners. As noted above these are just some of the contributions Mr. Magarian has accomplished.

Sheriff Magarian's 30-year career with Fresno County Sheriff's Department has been marked by significant law enforcement and management experience.

Mr. Speaker, it is with great honor that I pay tribute to Sheriff Magarian. I am honored to have Sheriff Magarian as a law enforcement official in the 19th Congressional District. I congratulate him on his lifetime of accomplishments and ask my colleague to join me in wishing him every success on his future endeavors.

IN HONOR OF JOSEPH RICHARD ZOELLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor Joseph Richard Zoellin, a business owner in Carmel, California, who was a model of small town merchants who have done, and continue to do, so much to make our country a better place to live.

Mr. Zoellin was a lifelong resident of the district I represent. After many years working for one of our local banks, he bought the Carmel Drive-in Market in 1949 and operated it for 32 years after that. Mr. Zoellin was not only a merchant, but he knew his customers personally, and strived to provide the sort of personal service which helps a local community's business district to thrive. I remember going to the market as a child, taking bottles to redeem, and taking advantage of the Zoellin's good nature.

Richard Zoellin was friendly to his customers, helpful, caring of his community and family, and, overall, a tremendous asset to Carmel. Every town needs people like him. Because of Mr. Zoellin, his community is a better place—this is not only an achievement of which anyone can be proud, but also one of the most worthwhile achievements of a person's lifetime.

INTRODUCTION OF LEGISLATION TO COMPENSATE FOR OIL AND GAS DRAINAGE IN THE WEST DELTA FIELD

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. JOHN. Mr. Speaker, I am pleased today to join a number of my colleagues in introducing legislation that will right a wrong suffered by the State of Louisiana over a decade ago.

I believe that all of my colleagues know that most of the Federal Outer Continental Shelf oil and gas development occurs off the coast of Louisiana and, indeed, off the coast of my Congressional district. Large portions of the Gulf of Mexico are among the very few areas of the OCS where offshore drilling is not prohibited by the Administration's recently announced leasing moratorium. To put the contributions of the State of Louisiana in perspective, in FY97 $3.2 billion of the slightly over $4 billion of OCS revenue received by the Federal government was generated off the coast of Louisiana. Louisiana has been making this type of contribution to the Federal government's effort to develop its oil and gas resources every year beginning in the early 1950's.

Throughout the entire history of Federal oil and gas development off the coast of Louisiana, the state and the Department of the Interior have cooperated on the development of oil and gas resources that might underlie both the state and Federal offshore waters. Obviously, the interest of our state and our delegation is that the revenues generated by the development of oil and gas resources owned by the people of Louisiana be returned to the treasury of the state of Louisiana. Where oil and gas resources occur in underground formations that underlie both state and Federal waters, the state and the Federal government have developed these areas through cooperative agreements that ensure that neither sovereign develops the resources of the other.

Unfortunately, this spirit of cooperation broke down in the mid-1980's in the development of a natural gas field along the seaward boundary of Louisiana called the West Delta Field. For the first and only time in the history of Federal OCS development off the coast of Louisiana, the Department of the Interior refused to cooperate with Louisiana in protecting Louisiana's resources from being developed by Federal lessees. As a result, Federal lessees drained over $18 million of Louisiana's natural gas, the revenues from which went to the Federal treasury rather than the State of Louisiana's treasury. In 1989, an Independent Fact Finder appointed by the Secretary of the Interior at the direction of Congress confirmed these facts. Since 6004(c) of the Oil Pollution Act of 1990 authorized an appropriation to repay the State of Louisiana and its lessees for the $18 million of gas developed improperly by the Federal lessees, plus interest. Today, the total authorized payment to the State and its lessees, with interest, is approximately $32 million.

The State of Louisiana and its lessees have never received this money. Therefore, this legislation authorizes an alternative means of compensating the State and its lessees. Under this legislation, the state lessee in the West Delta Field would be authorized to withhold its Federal royalty payments on other OCS production in the Gulf of Mexico, using these funds to pay the State of Louisiana and itself until the authorization in Section 6004(c) of the Oil Pollution Act of 1990 is satisfied. At that point, the lessee would resume its royalty payments to the Department of the Interior.

Mr. Speaker, the time has come to close this unhappy chapter in the relationship between the State and the Federal government on Federal OCS oil and gas development. Louisiana has been a good host to the Federal government with respect to OCS development. Louisiana expects the Federal government to honor the authorization enacted in 1990. I encourage my colleagues to support this long-overdue legislation and ensure its enactment this year.

REMEMBERING LONG ISLANDERS WHO DIED IN THE HURRICANE OF 1938

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to mark a very somber and tragic event in Long Island's history. It was 60 years ago this Monday, September 21st that a powerful hurricane struck the Island's South Shore with devastating force, leaving behind a horrific wake of death and ruin. Few hurricanes have ever struck this Nation's shores with such fury; when it was over, approximately 100 Long Islanders—and more than 600 people across the Northeast—were left dead, $400 million in property damage had been wrought and the shoreline of Long Island was altered forever.

The 1938 hurricane hit with a surprising power and few areas were struck as hard as my hometown of Westhampton Beach and nearby Quogue. Without the lifesaving forewarning of modern weather forecasting, the residents of these two Southampton communities were caught unaware. Thirty-one of them paid for it with their lives.

The hurricane's early edges pelted the Island as seemingly nothing more than a late summer rainstorm. Traveling in excess of 60 miles-per-hour, the full force of this tempest soon overcame those who were lulled into thinking the clouds would quickly pass. Packing winds gusting up to 180 miles-per-hour, the hurricane broadsided the South Shore. Roofs were torn off homes and scattered like leaves, and the storm surge pushed a wall of ocean water six feet high down Westhampton Beach's Main Street.

Local residents struggled to make it to higher ground, some traveling several miles inland

to Riverhead to wait out the storm. Two hundred children huddled in the Six Corner School in Westhampton Beach and about 100 Quogue residents sought shelter in their three-year-old schoolhouse for safety.

When the storm passed and people emerged, the aftermath was nearly as chaotic as the storm itself. No more than a handful of homes near the shore were left standing, bridges were torn from their footings and massive inlets were carved from the barrier islands that guard Long Island from the Atlantic. Many lives across the East End were lost in the storm and the Westhampton Country Club was converted into a makeshift morgue. It would be years before Westhampton Beach and Quogue would fully recover.

Mr. Speaker, I ask my colleagues to pause a moment and remember those who lost their lives in the hurricane of 1938 as my Long Island neighbors mark this tragic anniversary.

I ask unanimous consent that I may include as part of the official RECORD these first-hand accounts of the 1938 hurricane as compiled by the Westhampton Beach and Quogue Historical Societies.

TRIBUTE TO MR. WILLIAM LANIER HALSEY, JR. OF HUNTSVILLE, AL

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CRAMER. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a tribute to Mr. William L. Halsey III of Huntsville, AL, for his longtime contributions to our community and the betterment of society.

In honor of Mr. Halsey's extraordinary efforts on behalf of Huntsville, Madison County, and the State of Alabama, the Arthritis Foundation has chosen him to be the co-recipient of this year's James Record Humanitarian Award.

It is a fitting tribute to one who has provided so much time, so much labor, and so much inspiration for the success of our region.

Mr. Halsey represents the third generation of the Halsey family to run W.L. Halsey Grocery Company, Inc., where he serves as chairman of the 119-year-old company today. He served our country during World War II, then he returned to his native Huntsville. To our community's great benefit, he devoted his considerable talent to the development of business, military, and non-profit interests of our area.

He has served on a long and distinguished list of civic and business organizations, including service as past president of the Huntsville-Madison County Chamber of Commerce, past president of the Huntsville Rotary Club, and past president of the Huntsville-Madison County Industrial Development Association.

He has received many awards and honors for his work, including an honorary Doctor of Laws degree from the University of Alabama and the Chamber of Commerce Distinguished Service Award.

Mr. Speaker, speaking as a native Huntsvillian and a military veteran, I offer special thanks to Mr. Halsey for his service as chairman of the Huntsville Army Advisory Committee in building Redstone Arsenal into the world-class institution it is today.

As the congressman for Alabama's Fifth Congressional District, it is an honor for me to have this opportunity to congratulate Mr. Halsey for being chosen for this year's Humanitarian Award and commend him for his lifetime of dedication to our community-at-large.

INTRODUCTION OF COALBED METHANE LEGISLATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. CUBIN. Mr. Speaker, I rise to introducer a bill which is of vital importance to my State of Wyoming as well as a number of other Western states, including Colorado, North Dakota, Montana, New Mexico, and Utah.

As some of my colleagues may be aware, on July 20 of this year, the U.S. Court of Appeals for the 10th Circuit reversed a lower court ruling that had affirmed the rights of landowners in the production of coal bed methane (CBM). The Appeals Court decision in the case of Southern Ute Tribe v. Amoco Production Company asserts that CBM is part of the local rather than a separate natural resource.

The ruling contradicts two previous U.S. Interior Department Solicitor General opinions that provided the legal basis for large-scale investment in CBM development and production in Wyoming and the other states mentioned previously.

Based on these opinions, numerous private citizens and corporations entered into lease and royalty agreements to devleop CBM. Now thousands of small landowners face the risk of losing their royalties, which could lead to mortgage defaults and losses of retirement savings. Additionally, CBM producers face risks to their long-term investments. Delays in drilling caused by this ruling will also impact state and local economies and tax revenues and deter the production of a domestic clean burning fuel—coal bed methane.

In order to protect the rights of landowners and lessees, I am today introducing a bill which will ensure the validity of existing lease and royalty contracts. This legislation simply states that all contracts entered into prior to the date of enactment of the bill are legal and valid. The legislation would do nothing with regard to any future contracts nor would it negate the rights of any recognized Indian Tribe.

My colleagues in the Senate, Messrs. THOMAS and ENZI, are introducing an identical measure in that body. I also intend to add this language to the Omnibus Parks bill which the House may consider in the very near future.

I commend this legislation to everyone in this chamber and encourage their support of it.

TRIBUTE TO PROFESSOR KENNETH NORRIS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to honor a leader in environmental protection, an author and scientist of the first order, and a teacher who has left a lasting legacy. Professor Kenneth Norris died August 16, 1998.

Ken Norris received his bachelor's and master's degrees in zoology from University of California at Los Angeles (UCLA). While studying for his doctorate, Ken was hired as founding curator at Marineland of the Pacific. It was there that Ken made discoveries that formed the basis for his pioneering studies of marine mammals, and the echolocation by which dolphins navigate, communicate, and investigate their watery world.

In 1959 Ken received his doctorate from Scripps Institute of Oceanography, his doctoral dissertation winning an award from the Ecological Society of America. Ken returned to UCLA to teach herpetology and to research desert reptiles. However, Ken was lured back to the ocean when offered the position of founding scientific director for the Oceanic Institute, in which he served from 1968 to 1971. As a scientific advisor to the United States Marine Mammal Commission, Ken helped to write the Marine Mammal Protection Act of 1972. It was in that year that he came to University of California, Santa Cruz to serve as director of the Center for Coastal Marine Studies. While in that position, Ken worked with others to develop the UC-Santa Cruz Joseph M. Long Marine Laboratory. Also in 1972, Ken created the UC Natural Reserve System which protects 120,000 acres of natural habitat throughout California. From 1977 to 1979, Ken chaired the environmental studies department at UC-Santa Cruz, teaching his popular and rigorous "Field Quarter" class which covered that natural history of California from the deserts to the forests, communicating his keen interest in ecological systems, and in rigorous scientific inquiry. Ken founded the Environmental Field Program which continues to support undergraduate research. He was a popular professor, whose ability to inspire respect for the environment spread well beyond his classroom through the host of his former students who carry his work forward. Ken retired in 1990.

Ken attained international recognition for the many ways he engendered support for the environment, especially his leadership in the world wide campaign to reduce the number of dolphins caught in the nets of fishermen. In 1992, he received the John Burroughs Medal for his book "Dolphin Days: The Life and Times of the Spinner Dolphin." He was named "Man of the Year" by the American Cetacean Society in 1996, and was a recipient of the Academy of Sciences Fellows Medal in 1977.

Our hearts go out to his family, his wife, Phyllis; three daughters Susie, Nancy and Barbara; his son Richard; his brother Robert; and his six grandchildren.

Ken Norris has gone far beyond leaving the world a better place, he has taught each of us

a lesson about our ongoing responsibilities to the planet.

RIA DEL BENE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I submit the following for the RECORD.

I opened Ria's Beauty Shop on Friday the thirteenth of May, 1938. We had the hurricane on Wednesday the twenty-first of September 1938. My friends said, "You had to open your shop so we could have a hurricane!" Fifty years later I still operate the shop, and the Hurricane of 1938 only proved the strength of the people of this area.

I remember that day so very well, when we all joked about the winds and the bad weather, and the excitement mounted because this was a new experience. Our immediate family—Grandma, Mom, Dad, my brother and I were already living on Sunset Avenue. I ran down the Main Street to look over the area behind the Weixlebaum Building, and I saw the water being drained out of the Moniebogue Canal. I thought it was so strange! Not being knowledgeable on tidal waves, I didn't realize that the water gets sucked out, then comes back in a tidal wave. The water started coming up over the meadows south of Main Street, so I ran across the street to Grimshaw building (where Norma Reynolds is now). I ran to the top step so I could see better.

I soon realized that things could be very dangerous, as Main Street was getting flooded. I ran home and watched the water flow past the back of our property like a river. That was the old "Toot" White property, where Ici Aussi, La Shack, Alfonso, and Westhampton Custom Floors and Rug shops are now. We watched on the corner of our property, as the wind picked up a large wild cherry tree, at least one hundred years old, pulled it up, roots and all, and then laid it on the ground like a huge bouquet. Only when the call went out for volunteers to rescue people, did we face the reality that this was a tragedy, not an adventure.

My brother, Dannie, was among the many young men who went, and unfortunately, it was not just rescue, it was recovering bodies. The Westhampton Country Club was a temporary morgue, and the bodies were brought in there. So many people that we knew and loved had lost their lives to stay with their homes, rather than to leave in time.

My brother and I were born in the old Platt Building (where the Hampton Chronicle was later housed, operated by John King for many years, now part of it is Magic's Pub). In 1922, we moved to the old Ben Owen house (no longer standing), next to Mike Parlato's Garage (now Marakesh). The part of Main Street is the lowest, and the flood water was six or seven feet high in all those buildings. We were fortunate to have moved to Sunset Avenue in 1932.

That night of the hurricane, many of the storekeepers on the south side of Main Street, the Weixlebaums, the Ambrosinos, and Gelston Walter, brought their important papers and cash boxes to our house, because we were the first household not hit by flooding. Many people from Main Street came up to stay at our house. I don't know how Mom managed it, but she could always get more food together, no matter how many people appeared.

It took awhile for us to realize the enormity of the storm and its devastation. Through it all, my grandmother kept saying the rosary, beseeching God's help. He must have been listening, because it's amazing how fast everybody set about cleaning up and repairing, getting back to the normal routine of opening their shops, and doing "business as usual." The greatest thing about the disaster was the helping hand that each person gave the other. The saddest thing was the loss of life.

75TH ANNIVERSARY OF THE CONNECTICUT AIR NATIONAL GUARD

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to recognize the 75th Anniversary of the Connecticut Air National Guard, the "Flying Yankees."

Founded on November 1, 1923, the Flying Yankees are the third oldest flying unit in the Air National Guard and have played important roles in many of America's military operations.

During World War II, the unit served as part of the fabled "Flying Tigers" in the China/Burma/India theater of operations. The Flying Yankees also saw action in the Korean War as part of the Air Defense Command. From 1956 to 1971, the wing maintained 24 hour alert status. More recently, their overseas duties have included deployment to Italy and Bosnia to support NATO and United Nations forces in Operations Deny Flight and Decisive Endeavor.

Presently designated as the 103rd Fighter Wing, the unit is stationed at Bradley Air National Guard Base in East Granby, Connecticut. Its primary mission today remains what it was 75 years ago: to provide conventional air-to-ground operations in support of U.S. and Allied ground forces. In addition to its military objectives, the wing also protects the state by preserving peace and public safety and assisting in disaster relief and search and rescue missions. It has also been an active participant in community activities which include sponsoring youth leadership and drug awareness programs.

We in Connecticut are very proud of the Flying Yankees. So is the United States Air Force, which has recognized the unit's preparation and superb accomplishments by designating it as an Outstanding Air Force Unit.

At home or overseas, the Flying Yankees of the Air National Guard have protected democracy, fought for freedom, guaranteed safety, and saved lives. So today, I urge my colleagues to join me not only celebrating the foundation of the "Flying Yankees," but also honoring all those who have served their country and continue to serve in the 103rd Fighter Wing.

PERSONAL EXPLANATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. TAUSCHER. Mr. Speaker, last night on recorded vote No. 448, I unavoidably missed the vote on the Kennedy Amendment to H.R. 4569 because my beeper did not go off. Had I been present, I would have voted "aye," consistent with my cosponsorship of H.R. 611, a bill to close the School of the America's which has graduated many of Latin America's most notorious dictators and human rights violators.

A PARTNERSHIP BETWEEN LOCAL GOVERNMENT AND NON-PROFIT ORGANIZATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to celebrate the formation of an historical partnership between local government and a non-profit organization resulting in great overall benefits to the community.

On Tuesday, June 30, 1998, I attended a ceremony at which a California municipality, Sand City, and a sheltered workshop for developmentally disabled adults, Gateway Industries, finalized an agreement which will accomplish goals central to each of the organizations. I am pleased to have been a part of crafting this accord. In it, Sand City has given the clientele of Gateway Industries an opportunity to demonstrate their individual strengths and abilities in the mainstream workforce. Gateway Industries will provide the support needed for each of its clients who takes a job in Sand City.

Sand City will employ three individuals with developmental disabilities to help maintain its appearance. Tasks will include litter pickup, graffiti abatement, and general landscaping. The work program will be managed through the Sand City Public Works Department and Sand City Police Department. Gateway will be responsible for pre-employment screening, on-the-job training, and the facilitation of the relationship between employer and new employee.

Not only are Sand City and Gateway Industries stronger for this, but the community benefits as well. It is a win-win-win situation! The program will create a better understanding of the needs of persons with developmental disabilities by city agencies, and by the members of the community at large. The City will improve in overall appearance and the employed Gateway clients will gain job experience, self-work and independence. I commend Sand City Mayor Dave Pendergrass, and Ken Caldwell of Gateway Industries for the vision it took to develop this forward-looking arrangement. I would urge other entities to take note and to follow their excellent lead.

A VILLAGE KID IN THE 1938 HURRICANE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I insert the following:

My recollections of the 1938 Hurricane begin as I attend George Hunt's afternoon chemistry class on the second story of the old Six Corner's School, Westhampton beach. Wilson Eckart and I were at our desks next to the windows on the southeast side of the building. The wind and rain had started and the windows appeared to bend in their frames as the wind increased. The outside brick wall of the addition housing the English class began to sway and we all decided it was quite a blow!

Mr. Hutt soon moved us to desks in the center of the room, where we watched the tin roof from Mechanic's Hall on Mill Road sail across the playground. Elizabeth Parlato Cross was teaching fourth grade in that building at the time.

The roof was soon followed by a group of cherry trees, which appeared to be almost all those north of Main Street. One cherry tree left the others and sailed across the road west of the school, directly through Perry Pike's car parked at Slattery's Garage. Perry announced, "Class dismissed!" He was conducting French classes on the west side of the building.

Edgar J. Brong, the supervising principal, soon evacuated all classes to the gymnasium on the lower level. As the science class filed past the English room, the brick structure began to crumble. The door frame was about to give way, but Wilson Eckart held it fast as Lillian Roos, the English teacher got out, being the last to leave. There was no panic. All of us had seen many a September "line storm," and many of us had gone with our parents to sandbag the dunes when the ocean had broken through.

The students were warned to stay in the gym until all parents could be contacted, or other transportation provided. The danger of fallen wires was stressed. Some students heeded the warnings, others did not. However, everybody apparently arrived safely wherever they were headed. I rode home with Nonie Van Cott (Allen) and her father, Cliff Van Cott, of the Southampton Town Police.

My home was located on Library Avenue, South of Main Street, where the Grimshaw and Palmer Hardware building now stands. The Library was next door, and south of that was the Union Chapel.

My grandmother, Bess Clark, had hot rosettes and beach plum jelly waiting for me. As Gram, my mother and I sat at the kitchen table, the wind and rain increased. Salt and seaweed plastered the windows on all sides of the house, and the windows began to leak. It was said that those windows never leaked in one hundred years!

Gram and I mopped and mother worried about the weather vane on the chapel steeple, since the storm was so bad that she couldn't see it. (In our house we noted the wind direction every day, this was important to us.)

Just then, the solid old front door blew open. It took three of us to close it and turn the key in the old brass lock. Again it blew open. Gram searched for some tools, and eventually we managed to nail the door shut. We then knew for certain that the wind was definitely southeast.

Suddenly the rain stopped. The sun came out. Gram put the coffee pot on, but my mother had to investigate the weather vane. I reluctantly followed her to the chapel next door. The steeple had blown off and buried the weather vane in the soft ground. We later learned that this was the eye of the hurricane passing over.

Just as we returned home, the sky blackened and the rain and wind increased. Gram had poured the coffee when we heard a pounding on the door. It was cousin Gen (Mrs. Clifford Raynor) who lived further south on Library Avenue. She called "Come quick! The ocean is coming! Get in the car!"

Gram became obstinate. She had no intention of leaving her home, her three-colored cat or her mother's silver tray. I pushed her ahead of me to the car while she clutched the tray. She balked again before the open door.

And then I saw it. A solid, square, gray wall of water about thirteen feet high, slowly but steadily devouring the dividing line between sky and grass at the library, about fifty feet south of the car . . . no curling wave, just a wall. I stood at the car door and watched only the line which appeared stationary. It was hypnotic. I often had told friends of my recurring dream, "that dream," I called it, where in the dream, I ran slowly up Beach Lane, the ocean behind me. It now sounds too preposterous to be true, however it needs to go into this personal account.

Slowly, or so I thought, I pushed Gram into the car, but with such force, that she hit her head on the opposite side. Cousin Gen sped us up to the hangar at the Westhampton Beach Airport, on Riverhead Road. Gram, Mother, the silver tray and I joined others sitting on the floor, heads against the wall. I think there were only a few people there. It was very quiet. I don't remember any conversation. I do recall picturing the map of Long Island in my mind, and thinking, "It's so small, so flat, so narrow. Of course, the ocean will reclaim it one day. It just happens to be in our time. It will be no different from being rolled under a wave, it just takes a little longer."

Before the night was over, somebody picked us up and delivered us to the home of Gram's cousins, George and Mame Burns, on Osborne Avenue in Riverhead. The next morning, the sun was shining brightly as Mother and I returned home.

We found a forty foot boat from Yacht Basin docked against our kitchen windows, alongside the propane gas tanks. The untouched coffee cups were still on the kitchen table. The ocean had washed in about twelve inches above the floor of the house, and everything smelled terrible. The dining room floor had buckled, but the cat was safely upstairs. We felt very fortunate.

We went right up to Main Street to see what had happened, as did everybody else in the village who was able. Our village was a shambles. There was little conversation. It was very quiet. In those days, everyone, summer and winter residents, knew each other. We were a very close-knit community. I remember Dr. James Ewing saying to my mother, "Toni, this town is in shock!"

Our house was one of the few on Library Avenue left on its foundation. Men were at the foot of our street, clearing away the wreckage of Raynor's Garage, searching for bodies from the dunes, and removing them to the temporary morgue at the Country Club. This took days, and the weather had turned very hot.

Several days passed before we could communicate with my father, Jeremiah Ferguson. He was up in Western Nassau County, and couldn't get in touch with us. In turn, we couldn't get in touch with them. The newspapers and communications personnel had reported that Westhampton Beach had been washed right off the map. When he and other family members finally got through to the headquarters set up in the Patio Building, they only learned that our names had yet appeared on the list of missing persons.

The following days were spent carting water, sandwiches, and disinfectant to our house, Police Headquarters, the National Guard, and the Red Cross. It all became a blur of mud, dripping carpets, the smell of mildew. We couldn't believe that the ocean had done this to us. but we just kept moving, most of the time firm in the knowledge that Westhampton Beach would again appear on the map, even though it might take twenty years for that to happen!

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes:

Mr. KOLBE. Mr. Chairman, I rise in opposition to this amendment, I appreciate the motives of the proponents of this amendment which would eliminate funding for the U.S. Army School of the Americas (SOA). But I disagree with their assessment of the school and its graduates. The closure of the SOA would be detrimental to our relationship with Latin American countries, and could hinder progress in human rights efforts in those countries.

The School of the Americas was established as part of President John F. Kennedy's Alliance for Progress. It was created from the existing U.S. Army Caribbean Training Center in Panama. In 1984, the SOA was moved from Panama to Fort Benning, George. The purpose of the SOA is to provide guidance to Latin American military personnel so they can respond to drug trafficking, natural disasters, and human rights challenges in their countries. The SOA emphasizes the role of a professional military force in a democratic society. I support these objectives, as democratically elected civilian governments of Latin America support them.

Each year, soldiers from Argentina, Bolivia, Chile, Columbia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the SOA. No other school in the world with such a small operations budget brings together future civilian and military leaders of 16 countries in a purposeful effort to prepare for the future, strengthen alliance within a hemispheric region, to reinforce the principles of

democracy, and increase mutual understanding and cooperation among neighboring countries.

The SOA has a very difficult task. It is charged with teaching students from countries with long histories of dictatorships and abuse, the value of promoting human rights. The curriculum is structured so that each student receives, on average, 30 minutes of human rights training and/or exposure every day. Of course, it is impossible to qualify the number of abuses that the SOA's human rights training has prevented. Consequently, the debate often turns to a finger-pointing game of highlighting the infrequent, but certainly reprehensible, lapses of judgement by a few SOA graduates.

Those who want to see the School close its doors focus their criticism on a few short passages (some less than a sentence in length) from three U.S. Army Intelligence training manuals provided to students in a few SOA classes in the 1980's. Most important is the fact that it has never been established that any of these passages were actually used or taught in a classroom at the School, nor was the "manual" developed by the SOA. Furthermore, not a single human rights violation can be reasonably linked or attributed to the School or its training manuals.

Yes, some 100 of the 60,000 graduates have been guilty of documented human rights abuses. But let's not forget about the other 59,900 graduates. Over 100 of these SOA graduates served or currently serve their nation and its people from the very highest levels of civilian and military office—from chief executive to commander of major military units.

A fair and objective assessment of Latin American history over the last 50 years will demonstrate that the U.S. Army School of the Americas saves lives. For example, in the early 1980's, El Salvador was accused of about 2,000 human rights violations per month; in the latter part of the decade, that figure dropped to approximately 20 each month. Although SOA cannot take all the credit, almost 50 percent of El Salvadoran officers have graduated from the school since 1986.

Not even the most vehement opponent of the School can deny that the overwhelming majority of graduates honorably serve their countries as professional men and women. While failure do occur, I challenge any opponent to demonstrate any correlation between reported misconduct by individual SOA graduates and the professional education and training they received at the School.

If Congress were to close the SOA, it would negatively affect our ability to have a meaningful and cost-effective vehicle to promote democracy and human rights within the ranks of the Latin American military. The State Department, Pentagon, and participating Latin American governments all agree that the SOA program is the best approach to achieving important national security and foreign policy objectives.

If the program were abolished, training for Latin American military personnel would become unavailable or more expensive. Fewer officers and enlisted personnel would be exposed to U.S. training and democratic values. In my view, that is not the way to promote human rights abroad.

I urge my colleagues to vote "no" on this ill-advised amendment.

ATROCITIES IN KOSOVO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Commission on Security and Cooperation in Europe—the Helsinki Commission—held a hearing on the latest atrocities in Kosovo. Senator ALFONSE D'AMATO and I co-chair the Commission and felt it critical to hold a hearing on the crisis in Kosovo. Other Commissioners—Senator FRANK LAUTENBERG and our colleagues Representatives STENY HOYER and BEN CARDIN—joined us at the hearing. Representative BEN GILMAN, Chairman of the House International Relations Committee, and Representative ELIOT ENGEL, a longstanding Kosovo advocate, were there as well.

The Commission, as most of you know, has a mandate and an obligation to document human rights violations where they occur in Europe. This is especially the case when these violations are, in fact, atrocities and crimes against humanity. Sadly, such violations are still taking place.

The hearing focused on the atrocities and the humanitarian crisis in Kosovo today as viewed by two individuals—Assistant Secretary of State John Shattuck and Senator Bob Dole—who have just returned from Kosovo and also from Belgrade, where they met with Milosevic himself. We heard what they saw firsthand in Kosovo and also what Belgrade says about what they saw. Both were excellent in their presentations, and their well-known records as public officials and as human rights advocates added to their effectiveness.

Secretary Shattuck, who heads the Bureau for Democracy, Human Rights and Labor, spoke in detail about the disturbing accounts of men and boys being separated from women and small children. This is exactly what would precede massacres in Bosnia-Herzegovina. Shattuck spoke about the heavily shelled and sometimes still burning towns which they saw, "abandoned to packs of wild dogs and heavily armed Serb police and Yugoslav army forces. Among the displaced children * * * there was evidence of the beginning of malnutrition."

Senator Dole added that many of the children have scabies and other skin ailments and sores in their mouths. He reported that personnel from humanitarian organizations are being harassed and even attacked, noting in particular the killing of three workers for the Mother Theresa Society.

As with Bosnia, Mr. Speaker, we must go beyond mere documentation of the tragedy in Kosovo. We must witness, but we must also act. No one can see or hear what has happened in Kosovo this year without asking what can be done to stop it from continuing. Half-measures will not address the central causes of this conflict. They may, in fact, make efforts to address those causes more difficult to undertake. We all learned from the Bosnian conflict that diplomacy alone will not work. Nor will more and more humanitarian assistance, as welcomed as such help might be. Decisive outside intervention is what is required, and NATO is the most likely organization to do this. Of course, NATO intervention has its risks, and we in the Congress and the U.S. Government must assess whether those risks are worth taking. The hearing certainly helped the Commissioners and other Members present understand the situation on the ground.

"What is urgently needed now is American leadership and a firm commitment to a genuine and just peace in Kosovo," said Senator Dole. "Bush gave Milosevic the green light, and it hasn't been turned off." "Yet, if we do not act before winter sets in," he added, "if the Kosovars in the mountains begin to freeze to death, then Milosevic can get away with the claim that he didn't murder them. To do the right thing, we don't have much time." Secretary Shattuck added that "crimes against humanity have been committed. [Thus] the International War Crimes Tribunal in The Hague is a critical piece of the long-term process of bringing a political solution in Kosovo."

In conclusion, the attacks on the people of Kosovo are inhumane and brutal beyond comprehension. The intentional displacement of the civilian population, the execution of people held in detention, the destruction of food supplies, and the prevention of aid deliveries all have happened so repeatedly that they cannot be dismissed as anything short of a deliberate policy to destroy. That policy originates in Belgrade, with Slobodan Milosevic at the helm. All the complexities of the Balkans do not erase that simple fact. Both the House and the Senate are on record as believing Milosevic is a war criminal. We would hope that, if we stop Milosevic, the problems in the region could be resolved in a peaceful and democratic way. Bosnia taught us the hard lesson that delayed action results in the loss of more and more lives.

Mr. Speaker, I have not been known as someone who readily recommends a military response, but, if we do not act in this case, knowing—as we do know—that many more people will die as a result, we share some responsibility for what does happen. We become, in effect, a partner in the crime. That happened in Bosnia. NATO must act in Kosovo. NATO must act now.

IN MEMORY OF ROBERT ORVILLE "BOB" BAILEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FARR of California. Mr. Speaker, I rise today to reflect upon the passing, on August 18, 1998, of Robert Orville "Bob" Bailey, known as the Father of Aptos California.

Bob was born in Napa California, on December 8, 1924. His mother Hazel was a well-known elementary teacher in Watsonville, in Santa Cruz County. Bob attended Watsonville High School, Salinas Junior College and San Jose State University. he served in the United States Navy, on the S.S. Jeremiah O'Brien,

from 1942 to 1946. Although he had visited Aptos as a youth, he did not actually move to the community until 1967. In that year he brought his wife Jan, and five sons to Aptos, becoming a member of the Rio del Mar Improvement Association upon his arrival.

Seven years later, he established Bob Bailey Real Estate in historic Redwood Village. Bob worked to preserve and protect the old buildings, exhibiting the dedication to community that became his hallmark. Soon his sons Robert and Paul joined him and helped to build it to a healthy sixteen-agent business. In 1982, Bob established Bob Bailey Real Estate and Property Management Company on Aptos Beach Drive, with windows overlooking the then-neglected Esplanade. Working with the Sheriff's Department and the Community Enhancement Committee, Bob was instrumental in cleaning up the community and bringing it together. Rio del Mar Beach became known as "Bob's Beach," while Bob became known as "The Watchdog of Rio del Mar." Bob and his wife Jan received the Aptos Chamber Business of the Year Award in 1991. Bob was given the "Man of the Year Award" by the Aptos Chamber in 1997.

Bob cared deeply for the health of local businesses, serving as a member of the Aptos Chamber of Commerce, and the Santa Cruz County Conference and Visitor's Council, as well as the Aptos Chamber Tourism Committee. Bob also volunteered for children and the schools, as an Eagle Scout and scoutmaster, and as a Shriner for 37 years, raising funds to fight childhood diseases. Bob Bailey is survived by his wife, Jan, by his five sons, Kent, Paul, Robert, Willis and Michael, by eight grandchildren, by his step-children, Yvonne Robera, Ronnie Obertello Jr., and Laura Helgueros, and by six step-grandchildren. Our hearts go out to his family.

Since he first arrived in the little community of Aptos, there have been a lot of changes, many of them wrought by Bob himself. Through both his work and service, Bob created a sense of community in Aptos. His dry wit and deep sense of responsibility will be missed, but the many ways he beautified and promoted his community remain as his legacy.

LIST KNOWN DEAD, WESTHAMPTON BEACH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. FORBES. Mr. Speaker, I submit the following for the RECORD.

[From the Hampton Chronicle, 1938]

Bailey, Beulah, Maid at Surf and Dune Club.

Bragaw, Mrs. Katherine, aged 63 of 732 Berkeley Ave., Orange, N.J.

Bragaw, Miss Carolyn, aged 18, daughter of the above.

Brown, Mrs. Peggy, aged 21, wife of Peter C. Brown, 50 Montgomery Place, Brooklyn.

Clelland, Miss Agnes, aged 67, maid in household of Archibald McFarlane.

Dalin, Carl E., aged 67, of 44 Hawthorne Ave., Williston Park, L.I.

Dalin, Selma M., aged 64, wife of Carl E. Dalin.

Douglass, Payson Stone, aged 53, of Llewellyn Park, West Orange, N.J.

Flagge, Mrs. Marianna Bishop, aged 76, of New Rochelle, N.Y.

Foley, Mrs. Leo, aged 50, of 426 Clermont St., Brooklyn.

Jarvis, Mrs. William, aged 63, of Westhampton Beach.

Jenkins, Lena, aged 44 of Charleston, West Virginia, Employed at Gunning Point House.

King, Mrs. John L., aged 60, of Westhampton Beach.

Lea, Mrs. Edward P., aged 52, of South Orange, N.J.

Lewis, Warren G., aged 55, priorietor Surf and Dune Club.

Lewis, Frances, aged 63, wife of Warren G. Lewis.

Melvin, Robert, colored, aged 34, bartender at Surf and Dune Club.

Mudford, Mrs. Katherine, aged 65, of 840 Union St., Brooklyn, Hostess at Surf and Dune Club.

O'Brien, Mrs. J.F., aged 30, of 381 Central Park West, New York City.

Pinks, Mrs. James L., aged 55, of 969 Park Avenue, New York City.

Schlater, Mrs. Charles W., aged 51 of Washington, D.C.

Seeley, Anna, aged 37, colored, of 35 Pierrepoint St., Broolyn.

Williams, Mrs. Alverta Rivers, aged 44 of Quogue.

QUOGUE

Fay, Thomas, Jr., aged 21 of Quogue.

Lucas, Charles, Jr., aged 20, of Quogue.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mrs. MALONEY of New York. Mr. Speaker, on Monday, September 14, I was unavoidably detained and missed rollcall votes 426 through 429. Had I been present, I would have voted "yes" on 426, 427, 428 and on 429.

PERSONAL EXPLANATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. KING. Mr. Speaker, yesterday I was unavoidably detained and missed several votes. Had I been present I would have voted as follows:

"No" on Rollcall No. 447, the Porter amendment to repeal the provisions that repealed Section 907.

"No" on Rollcall No. 448, the Kennedy (MA) amendment to ban funding for the School of the Americas.

"Yea" on Rollcall No. 449, Final passage of the Foreign Operations Appropriations bill.

TRIBUTE TO EVESHAM FIRE-RESCUE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. SAXTON. Mr. Speaker, on February 16, 1898, a group of concerned citizens from Marlton came together to seek a way to better protect their homes and businesses from the ravages of fire. The Marlton Fire Company No. 1, now a part of Evesham Fire-Rescue, evolved from this gathering.

By the 1920's, the rolls showed over 25 members who responded to approximately 30 incidents a year. The firemen responded to calls not only in Marlton, but also in the surrounding areas. As time marched on and apparatus grew in size and the township in population, additions were built onto the station.

The historic station's final relocation was to the back of the current Evesham Fire-Rescue property. The exterior of the building has been refurbished to reflect its history. Personnel are currently raising funds and hope to begin work to convert the Historic Station into a museum.

The heart of Evesham Fire-Rescue is its people. One of the largest combined fire and EMS organizations in the area with 130 volunteer firefighters and EMTs and 18 career staff, the Department also has an Explorer Post for teenagers, a Division of Fire Prevention which provides educational programs to the public and an Auxiliary, which provides refreshments to emergency response personnel.

On September 26, 1998, Evesham Fire-Rescue will honor its heritage with the celebration of the 100th anniversary of Marlton Fire Company No. 1.

On that date, Evesham Fire-Rescue will dedicate its new Marton Station, 105' Seagrave Tower Ladder Truck, and re-dedicate the Historic Fire Station and 1927 Hale Fire Engine.

I congratulate all Evesham Fire-Rescue personnel, past and present, and wish them another century of service to the community.

INTRODUCTION OF LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. RANGEL. Mr. Speaker, along with many of my Democratic colleagues, today I am introducing a bill that contains many tax reduction provisions that have long been supported by many of the Democratic Members of this House. I am pleased that these provisions have been included in the tax legislation reported by the Committee on Ways and Means yesterday. The only difference between the bill that I am introducing today and the Committee bill is that my bill actually could become law. My legislation is consistent with the President's requirement that we save Social Security First, and therefore, unlike the Committee bill, it will not receive a certain Presidential veto.

I am introducing this bill to demonstrate that our vigilance in protecting Social Security is

not just an excuse to oppose tax cuts. We Democrats do not oppose tax cuts. We support tax cuts. Virtually all of us voted for significant tax cuts last year. the 1997 bipartisan tax bill included nearly $300 billion in tax cuts over 10 years and the Democratic Members of this House supported a Democratic Substitute that would have provided even more tax relief for the middle class.

Many of the provisions in the Committee bill and in the bill I am introducing today originally were sponsored by Democrats. Marriage penalty relief, 100 percent deductibility for self-employed health insurance premiums and simplifying minimum tax rules to ensure that those promised the $500 per child credit enacted last year will receive it, were provisions offered in the Committee on Ways and Means last year by Democratic Members. Unfortunately, the Republicans voted them down last year.

We support fiscally responsible tax cuts, but unlike our Republican colleagues, we do not support using he Social Security surplus to pay for them. Therefore, any tax reductions that otherwise are not paid for will go into effect as soon as we have achieved the President's goal of saying Social Security First. The extension of expiring provisions and the phased-in increase in the Social Security earnings limit would become effective immediately, as under the Committee bill, since both bills pay for those provisions. Also, revenue-neutral and time-sensitive provisions such as the technical corrections and treatment of certain farm program payments would take effect immediately.

The Republicans have argued that the projected surpluses are sufficient to both cut taxes and preserve Social Security and that they are reserving 90 percent of the surpluses for Social Security. These assertions simply are not true.

The Republicans admit that 10 percent of the surplus is being diverted from Social Security under this bill. Moreover, there is nothing in the Republican proposal that actually reserves the other 90 percent for Social Security. In separate legislation, Republicans say they will "protect" Social Security. However, in that bill they merely require the Secretary of the Treasury to make several bookkeeping entries. They do not prevent the Congress from using the Social Security surplus for further tax cuts or further increases in spending. Under their plan, Congress could use the entire amount of the Social Security surplus next year for tax cuts or spending increases and there is nothing in the Republican proposal that would prevent it from doing so. With their bill they already have their noses in the Social Security tent. In this bill we propose to take the Social Security budget surplus truly off-budget so that it will not be spent until Social Security is solvent. This bill would take the entire amount of the Social Security surplus in each fiscal year and transfer it to the Federal Reserve Bank of New York to be held in trust for Social Security.

When we talk about future budget surpluses, we should be clear that we are speaking about projections. Hopefully, the projections will be accurate, but there are many unforeseen events in our global economy. It would be foolhardy to assume that we can predict all of them. That is why no less an authority that Alan Greenspan has warned this Congress that we should not spend money we may not have.

Even if we assume the optimistic projections will come true, the so-called surplus over the next 5 years is not really a surplus. It is due to the contributions that American workers have invested in Social Security. It already has been committed to the Social Security trust fund. If we treated those contributions like all businesses treat their contributions to their employees' retirement plans, we would have a $137 billion deficit over the next 5 years and only a $31 billion surplus over the next 10 years, even if the optimistic assumptions prove to be correct.

Perhaps spending some of this money would not be so bad if it really was not needed to shore up Social Security. We all know the challenge that Social Security faces as the baby-boomers near retirement. The reality is that all of the money that Congress has committed to the Social Security program is needed, not only 90 percent of the surplus.

We are pleased that the Republicans have adopted many of our ideas for inclusion in their tax bill. Those ideas can be enacted this year if we commit to taking action to ensure the solvency of Social Security. Enacting tax cuts now without that condition would violate our commitment to the Social Security program.

IMPLEMENTATION OF SECTION 565 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. CALLAHAN. Mr. Speaker, yesterday during consideration on the floor of H.R. 4569, I had prepared a statement regarding implementation of section 565 of that bill, "Limitation on Assistance to Security Forces". That portion of my statement was inadvertently left out of the CONGRESSIONAL RECORD, and I would like to repeat what I intended to say yesterday as manager of that legislation.

Some problems have developed in the implementation of section 565 regarding assistance to the security units of foreign countries. Concerns have been expressed that the State Department has taken far too long to respond to inquiries as to whether there is credible evidence that a unit of a foreign security force has committed gross violations of human rights, or whether the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.

Especially for the purchase of goods and services financed by our international credit agencies, it is important that the Department expedite such reviews. In my view, if within a reasonable period of time, such as 60 days, the State Department cannot issue an opinion, funds should be released for such purposes. This provision is intended as a guide to reason and not as an excuse to unnecessarily delay the provision of funds to accomplish important foreign policy and export financing goals.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. SANCHEZ. Mr. Speaker, on rollcall vote 447, I was unavoidably detained. Had I been present I would have voted Aye.

On rollcall vote 448, I was unavoidably detained. Had I been present I would have voted Aye.

On rollcall vote 449, I was unavoidably detained. Had I been present I would have voted Nay.

RECOGNIZING PETER ANTHONY BERRIO

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Mr. PAPPAS. Mr. Speaker, in our daily lives, it is too often we overlook the true heroes who have been among us for so long. Therefore, when the opportunity to honor such an individual presents itself, I feel a special obligation. Peter Anthony Berrio of Colombia is the only one of his countrymen to have served in the second world war, in addition to being the oldest Colombian-American veteran. While he may be of foreign origin, Mr. Berrio fought bravely on behalf of the United States from 1942 through 1949, in the Pacific theater. As a Sergeant in the U.S. Army Air Corps, he served with uncommon valor, distinguishing himself as an outstanding soldier.

While some fifty years may have passed, the chance to honor such a man is finally upon us. On Thursday, November 19, 1998, Mr. Berrio will receive his due recognition during a ceremony in the Simon Bolivar Salon of the offices of the Provincial Government in Quindio Armenia, Colombia. He will receive medals for "Efficacy, Honor, and Fidelity," "World War Two Victory" and the "Insignia of Honor" from the United States, as well as the "Order of Quindio" and the "Knight of the First Order" from Colombia. I would like to send my best wishes and heartfelt thanks to Mr. Berrio for his service to this Nation.

STATEMENT IN HONOR OF THE 90TH ANNIVERSARY OF ST. CASIMIR'S POLISH NATIONAL CATHOLIC CHURCH IN ROCHESTER, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1998

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the legacy of St.

Casimir's Polish National Catholic Church in Rochester, New York. The parish will celebrate its 90th year of ministry during a special Con-celebrated Pontifical High Mass of Thanksgiving on September 26, 1998.

St. Casimir's Polish National Church in Rochester was organized on March 4, 1908, after a visit to Rochester by His Grace, The Most Rev. Prime Bishop Hodur, the first Bishop of the Polish National Catholic Church. The parish was established with approximately 150 families, under the leadership of the first Pastor, Father Valentine Gawrychowski. Their building was located on Hudson Avenue in Rochester, New York.

The parish increased in membership and erected a church building and rectory within two years. They were fortunate to burn the mortgage on this property in 1944. In 1950, a recreational building, including bowling lanes, was erected, and between 1956 and 1961 the church building was renovated internally and externally.

In more recent years, the congregation voted to relocate to the Town of Irondequoit, New York. Their new building was completed in March, 1977 and was consecrated by The Most Rev. Thaddeus Zielinski, Prime Bishop of the Polish National Catholic Church. The mortgage burning ceremony for this building was celebrated in December, 1993, in conjunction with the 85th Anniversary Parish Festivities.

I take great pride in knowing many parishioners of this long established and influential parish in my home District. I am grateful for the many contributions the church has made in and around the Rochester, New York area. Today, I ask that my colleagues pause with me to honor the legacy of one of America's greatest parishes: The St. Casimir's Polish National Catholic Church of Rochester, New York. I am greatly honored to join many others in congratulating St. Casimir's for 90 years of service to humanity.