HOUSE OF REPRESENTATIVES—*Wednesday, August 12, 1992*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, O God, that our actions and our words will promote the way of honesty and respect, and not be means for selfish advantage or personal gain. May we receive Your gifts with gratitude for our moment in life and for our responsibility to be faithful for the blessing we have received. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. POSHARD] please come forward and lead the House in the Pledge of Allegiance?

Mr. POSHARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 411. Joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week"; and

H.J. Res. 507. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.

The message also announced that the Senate had passed a bill, a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3163. An act to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes;

S.J. Res. 242. Joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week"; and

S. Con. Res. 135. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Wednesday, August 12, 1992, until Tuesday, September 8, 1992, and a conditional adjournment of the House on the legislative day of Wednesday, August 12, 1992, until Wednesday, September 9, 1992.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he will entertain 10 requests for 1-minute speeches from Members on each side.

THE UNITED STATES NEEDS JOBS BUT ONLY THE RIGHT KIND

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in 1988 President Bush said that he would create in his first term 15 million jobs. I believe the statistics show that he is now 14 million short of that goal. But based on the cover story in this current issue of Fortune magazine, even if the President had created 15 million jobs, he may not have done the country a favor because the jobs we are now creating here in the United States are low skill, low pay, low benefit jobs. The high skill, high wage, high benefit jobs are being sent abroad. It suggests, therefore, that despite the fact that our current national unemployment rate of 7.8 percent, which is unacceptable, at home in Kentucky, it is 6.7 percent, still too high, that the level of anxiety today is more than it was a few years ago when the unemployment rate was 10.8 percent. We know that something deeply different is afoot in our country. Something is changing the nature of our jobs.

So, Mr. Speaker, today the President will announce completion of the North American Free-Trade Agreement. That is wonderful news. But we certainly do not want that agreement to do anything more to add to the anxiety of the American people and to deepen their problem with low pay, low skill, low benefit jobs.

NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, the announcement this morning that negotiators from the United States, Mexico, and Canada have reached a basic agreement on the long sought free-trade pact between our countries is, indeed, good news.

It is good news for American consumers who will have more choices and lower prices. It is good news for American workers, because there will be more jobs created in this country, manufacturing goods and providing services for export to Mexico. It is good news for the environment, because it generates an unprecedented spirit of cooperation to solve our many problems along the border. And it is good news for all Americans who seek an improved relationship with our neighbor to the South.

There will be ample time for us in the months ahead to examine the specifics of this agreement. For now, we should acknowledge the perseverance of our negotiators and the leadership of Presidents Bush and Salinas and Prime Minister Mulroney. Without their determination and dedication, we would not be standing on the edge of a new era of expanded trade and cooperation between our three countries.

THE BLACK LUNG BENEFITS ACT

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, one of the great health problems in this country involves coal miners with black lung disease.

The House Education and Labor Committee is moving legislation to help these miners and their families—help Congress intended them to have when it first passed the Black Lung Benefits Act.

Sadly, far too many men and women have not only been forced to live and die with this disease, but they have done it without disability benefits they deserve.

The growth of this country was powered by the coal these miners brought up out of the belly of the Earth. Many of these people in Illinois and the other coal States of our country are suffering terribly from those many years in the dark and dusty mines.

I urge the House to take up their cause, follow the lead of the Education and Labor Committee, and make a difference in the lives of these American workers by passing this important legislation.

FREE-TRADE AGREEMENT CREATES JOBS—IN MEXICO

(Mr. TRAFICANT asked and was given permission to address the House

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for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, those are not roses near the White House. That must be marijuana because President Bush seems stoned. The President signed the Free-Trade Agreement with Mexico, and he said it is going to create jobs.

I agree, my colleagues. There will be a record number of jobs created—in Mexico. In America there will be unemployment lines from Chicago to New York, Los Angeles to Frisco.

Mr. Speaker, since this fast track started, Zenith moved to Mexico, Smith-Corona moved to Mexico. There is not a television made in America, not a typewriter made in America. There is not a VCR made in America, not a telephone made in America.

I say, "Folks, it's getting so bad that you won't even send your phone bill to Ma Bell. You'll start writing a check to Taco Bell."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that under the House rules it is not permissible to characterize the President in any personally demeaning fashion, and I am sure the Members will follow that admonition.

THOSE "DAMN YANKEES!"

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, you may remember the play "Damn Yankees"—about the team that had it all. That phrase rings especially true for citizens of growth States these days—when we see our tax dollars funneled into places that are losing, not gaining, population. For years Florida and other growth States have lamented the unfairness of the process by which Federal resources are apportioned. And we take solace in every base we can steal—the other day the Governor of my State wrote to me about the good news that Florida is now 49th of the 50 States instead of dead last when it comes to return for our money. Not quite a home run. The census was supposed to provide a true reflection of population trends but it clearly fell short. I am delighted that the census folks are thinking about adjusting the 1990 head-count using statistical data. It is just common sense—why continue to channel Florida's tax dollars to fund more than 70 Government programs for "those Yankees" when so many of them have long since moved to Florida and are happily living there. I am one of them, so I know.

□ 0910

A NEW KIND OF BALANCED BUDGET

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, yesterday 41 Members of the House joined me in introducing a new plan to implement a balanced budget for America.

Now, you say, "What's new? There have been many plans to implement balanced budgets. None of them have ever happened."

This is a different one. This is one that addresses the central issue of why Americans would like or would enjoy a balanced budget, as opposed to liking the kind of spending that Congress customarily does for American citizens.

This plan accomplishes a balanced budget not by cutting spending but by freezing spending, and once a surplus is achieved, it deposits into a national dividend trust fund all the corporate taxes that are collected in this country, 20 percent per year, until a national trust fund is established. Once it is established and once the American Government is in surplus, that dividend trust fund is then redistributed to the voters of America as a reward for supporting balanced budgets.

Much as Alaska rewards its citizens with its royalty trust fund for supporting development in Alaska, the dividend trust fund would reward Americans for supporting candidates for Congress who support and vote for balanced budgets and surpluses in our American system.

Mr. Speaker, it is a plan that can work. It is one that should pass.

WHILE THE DEMOCRATS MOAN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, while the Democrats fiddle and stall, and moan and groan, President Bush is working to bring peace to the world and more jobs to the United States.

Today the President announces the formation of the world's largest free-trade zone.

This agreement will create 175,000 net new American jobs by 1995.

The Democratic response will be to fiddle and stall.

Yesterday, the President approved $10 billion in loans for Israel—just one more step toward a Mideast peace.

The Democrats will moan and groan.

Mr. Speaker, George Bush accomplishes more in most days for peace and prosperity than Bill Clinton has in his lifetime.

The choice is clear: For peace and prosperity—President Bush.

AMERICAN WORKERS DESPERATE AS UNEMPLOYMENT FIGURES SOAR

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is almost 1 year since the President vetoed the first emergency unemployment benefits bill. That veto led to another, and another. Before it was over the President had made an impression on our people that a hundred campaign speeches today will not change.

With one veto, the administration signaled the limits of its compassion and concern for the millions of Americans who are still without work.

The sad fact is the situation is not improving. Last week, it was reported in Connecticut that our State had lost more than 20,000 jobs in the 3 months between April and June. Twenty-thousand people who feel the pain of no work, the fear of no health care. These are desperate people. Thousands of families who are looking to Washington—who are looking anywhere—for leadership. But they cannot find it.

This administration promised our Nation 30 million new jobs when it entered office. A promise that rings hollow in the unemployment lines in Connecticut and across the Nation.

Mr. Speaker, it is time for an administration that understands the everyday fears of working families. An administration with a real plan to put people to work. An administration that will keep its promises and begin to restore the faith of Americans in their Government.

JOB CREATION PROSPECTS BRIGHTEN WITH THE NORTH AMERICAN FREE-TRADE AGREEMENT SIGNING

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, in response to my friend, the gentlewoman from Connecticut, and others who have talked about the fact that we have seen this morning the President participate in the signing of one of the most historic agreements that the world has ever witnessed, we clearly have President Bush leading the way in job creation.

Contrary to what the naysayers say, the establishment of a North American Free-Trade Agreement will, according to nearly every single independent analysis, create hundreds of thousands of new jobs, not in Mexico but in the United States of America.

So, Mr. Speaker, I urge my colleagues to look closely at this agreement and realize that those who are trying to stick the heads of the United States of America into the sand are

clearly being Neanderthal. Let us move ahead with a fair and balanced North American Free-Trade Agreement to create jobs for Americans.

CLOSE EXAMINATION OF FREE-TRADE AGREEMENT URGED

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we have already heard the slogans—we just heard them—about the North American Free-Trade Agreement, but the real issue is reality, not rhetoric, but what will really happen.

The President said that this is a good day for North America. The real issue is whether it is a good day for the United States, for our workers and for businesses. We have to look at key sectors like agriculture and like truck production where the tariff would come down 25 percent. What would that mean for American workers and American businesses?

The administration says that it will take care of the situation through worker adjustment, but its record in that area is abysmal. It talks about adequate transition. But the key question is transition to what? With the administration's terrible record on trade, it has the burden of proof, and the proof will be in the details.

Mr. Speaker, as a member of the Committee on Ways and Means, I am certain this agreement will be scrubbed from head to toe. American business and American workers deserve that.

DESTRUCTION AND GENOCIDE IN SERBIA DEMAND ACTION BY THE UNITED STATES

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, all Americans and, yes, all people in the free world and all good and decent people everywhere have been shocked at the death camps and at the tanks and artillery that have been shelling civilian targets in Sarajevo and, yes, throughout the Balkans.

Let us remember who is at fault. What we are talking about is destruction and death that is being brought about by the last Communist regime that holds power on the continent of Europe, and that regime is in Serbia. It is in Belgrade. What we are witnessing is genocide and aggression committed by that regime.

Now, there is a false dichotomy being offered the American people when they are being told that we cannot do anything about it unless we put hundreds of thousands of troops on the ground. We can do something about it. We do not have to have a Vietnam or a Persian Gulf. We can strike at targets in Serbia that will not take Serbian lives. If Serbia keeps shelling Sarajevo, providing the ammunition for this genocide, and providing the guards for the death camps, we can put Serbia and Belgrade into the dark by knocking out their electric plants. We can knock out their fuel storage plants, and we can destroy their navy and their air force with very little loss of life.

Mr. Speaker, it is time for America to act, for America to lead, and for America to stand up for morality and against this genocide.

THE ADMINISTRATION'S BROKEN PROMISES ON DEALING WITH THE DEFICIT

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, clearly one of the single most troubling domestic problems we have is the deficit. The promise made by the Bush administration campaigning in New Hampshire in 1988 was that the President would balance the budget by 1993 without a tax increase or cuts in Social Security.

On another occasion he promised that he would cut the deficit by 40 percent in 1 year.

The problem is that every budget submitted by President Bush has included deficits. Let me give the figures. For fiscal year 1990 there was a $95 billion deficit in the budget submitted by the President; in 1991 it was $65 billion; in 1992 it was $281 billion; and in the budget submitted this January the deficit was $352 billion.

Now, this is a very serious broken promise. This administration has been feeding middle-class families promises for 12 years, promises of words and rhetoric, with no action and no leadership. Dealing with the deficit and with our stumbling economy takes courage and real leadership, not broken promises.

□ 0920

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, in the last few years, Congress has picked up a lot of nasty little habits that cost taxpayers big bucks.

To pad their legislative accomplishments, some Members of Congress have taken to introducing one commemorative bill after another in hopes of stroking every special interest group that knocks on their door. In fact, 30 percent of all public laws are commemoratives. That is why we now have a "National Tap Dance Day," a "National Ice Cream Month," an "Elvis Presley Day," a "Karate Kids Just Say No to Drugs Month" and a "National Quilting Day."

Don't get me wrong. I have nothing against Elvis Presley or people who enjoy quilting, and I think it is great that we have positive role models against drugs. I also love to indulge my taste buds with ice cream from time to time, but to get these bills passed, we spend close to $350,000 a year to do it.

There are two bills working their way through Congress that would create a commission to advise the President on proposals for national commemorative events. It would cost half as much and accomplish the same thing. Plus, it would give Congress more time to deal with the more difficult and important issues of the day.

Commemoratives get my vote for "Porker of the Week" award.

JOE DOHERTY; A CASE OF INJUSTICE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, on July 30, the British Secretary of State for Northern Ireland, Patrick Mayhew, announced that Joe Doherty would not be credited for the nearly 9 years he spent in prisons here in the United States. As a result, Mr. Mayhew indicated that Mr. Doherty would have to remain in British custody for 10 more years before a parole decision would be made.

Mr. Doherty was deported to British-controlled Ireland in February despite numerous court victories here in the United States. The Reagan and Bush administrations fought to have Mr. Doherty deported to the United Kingdom without the benefit of an asylum hearing which Mr. Doherty had requested.

Doherty's case has heaped injustice upon injustice. British refusal to count Doherty's 9 years in American jails is simply the latest. The British Government should know that I, at least, will not forget about Joe Doherty's plight. The struggle against injustice and prejudice in the north of Ireland will continue.

AMERICA NEEDS A PRESIDENT TO BRING AMERICAN JOBS TO AMERICANS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the President of the United States announced the North American Free-Trade Agreement this morning. But if past performance is an example, we are going to continue to see the migration of American business and jobs.

Why is that? Because the fact is we cannot compare what we pay our work-

ers here to what they can pay in Mexico. They only pay $1.20, including benefits. They get practically no benefits, no pension, no health, no unemployment compensation, no workman's compensation. They have no OSHA regulations. They have nothing down there that we have here which we have to put on the cost of our products.

So how can we compete with them? We have 11 million Americans out of work right now because of the migration of businesses, and I see more of a loss.

Besides more businesses moving down to Mexico, we are going to continue to see them go to China and Japan because of the bad trade policy that we have in this country today.

In the first 5 months of this year, we saw 42,000 American businesses go down the tubes. That is an increase over last year. What this country needs is a President to bring back American jobs to Americans.

CONGRESS MISSING THE TRAIN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the train is leaving the station and Congress is not on it. All across the country, Americans are saying that they want a choice in where to send their children to school. Efforts have been underway in States and communities to allow parents to make the all so important decision of which school their children should attend.

However, Congress is not on this train. In fact, many in this body wish to derail it. This is unfortunate, because it is Congress and the Washington bureaucrats telling the people of this country what they can and cannot do.

Mr. Speaker, school choice is a movement that should be encouraged and endorsed by this body, because it is a movement of the people. It should be the decision of local communities and parents—not bureaucrats and certainly not the education establishment. If Americans want to implement school choice programs in their communities, who are we to stand in their way?

This afternoon, we will be considering the Neighborhood Schools Improvement Act. By the chairman's own admission, this bill is nothing more than cliches and show business. We need to improve it and make meaningful reforms, instead of the business as usual banalities in H.R. 4323.

Mr. Speaker, let us support the amendment of the gentleman from Texas [Mr. ARMEY] to give parents and communities real choice in where their children go to school.

THE FREEDOM OF CHOICE ACT

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, I rise today to encourage this body to bring H.R. 25, the Freedom of Choice Act to the floor of the House of Representatives this week. The Freedom of Choice Act codifies Roe versus Wade, and prohibits States from placing undue restrictions on individual's exercise of the right of reproductive choice. In light of the disgraceful Supreme Court decision in Planned Parenthood versus Casey it is imperative that this body not delay action. The Casey ruling has shifted the deeply personal decision about abortion from American women and their families to politicians and the Government. What angers me most about so-called right-to-lifers, is their undeniable hypocrisy. These God-fearing individuals who supposedly speak for the life of the unborn child have done nothing to help support the millions of living, breathing children who exist in squalor and poverty in this country. No man has the right to tell a woman what she can or cannot do with her body. Men, not physically equipped to give birth, have no place in this argument. Congress has the power, the authority, and the obligation to move the Freedom of Choice Act, now, to protect the lives and health of American women. None of us can remain complacent as any State moves to deprive its citizens of freedom. The time for action is now. We must defend the right of America's women to make their own reproductive decisions.

AMERICA'S SENIORS DESERVE BETTER: NO MORE BROKEN PROMISES

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, Social Security is a sacred trust. Medicare is an absolute necessity.

But as the President's advisors head to Houston, they are huddling around a plan to break the President's 1988 promise to protect Social Security and to, once again, take a meat ax to the Medicare Program. Our senior citizens deserve better.

For over 50 years, Americans have been paying into the Social Security trust funds, with the understanding that they would have the benefits they have paid for during their retirement years. The Social Security system is an enduring compact between generations that should not be broken.

Today, health care costs are out of control. They are taking a toll on everyone's budget. But they cause the greatest fear of all for senior citizens who worry about broken bones that take longer to mend and about Alzheimer's disease and other long term illnesses that can not only take an immense emotional and physical toll, but which can destroy their financial security as well. For over 25 years, Medicare has been an important, though incomplete, source of help. We cannot let that be destroyed.

Our seniors deserve better. Their lifetime commitments to their families and their nation should not be repaid with broken promises.

PROVIDING FOR CONSIDERATION OF H.R. 4323, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 551 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 551

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1 (b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4323) to improve education for all students by restructuring the education system in the States. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendments printed in section 2 of this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution. Amendments printed in the report may be offered only in the order printed and only by the named proponent or a designee, shall be considered as read when offered, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. All points of order against amendments printed in the report are waived. It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules or germane modifications thereof. Such amendments en bloc shall be considered as read, except that modifications shall

be reported; shall be debatable for forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor or their respective designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 4323, it shall be in order to take from the Speaker's table the bill S. 2 and to consider the Senate bill in the House. All points of order against the Senate bill and its consideration are waived. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4323 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move to insist on the House amendment to S. 2 and to request a conference with the Senate thereon.

SEC. 2. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill is modified as follows:

Page 13, strike line 14 and all that follows through page 14, line 2;

Page 14, line 3, strike "(d)" and insert in lieu thereof "(c)";

Page 14, line 7, strike "(e)" and insert in lieu thereof "(d)";

Page 89, strike line 15 and all that follows through page 90, line 7;

Page 90, line 8, strike "Sec. 8216" and insert in lieu thereof "Sec. 8215"; and

Page 103, strike line 1 and all that follows through page 105, line 16.

□ 0930

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 551 provides for consideration of H.R. 4323, the Neighborhood Schools Improvement Act. We have heard the Clerk read the details of the rule. It is essentially a fair rule that allows for a number of amendments that were presented to the Committee on Rules to be offered.

I should also add that it allows for two substitutes to be offered by Members of the other side as well as a motion to recommit with instructions.

It should also be noted that there will be a change. We expect to make a change after the passage of the rule that will allow additional time of 10 minutes each on the two substitutes, so there will be 40 minutes of debate time each on those substitutes instead of the 30 minutes as read.

House Resolution 551 allows for a completely free and flowing debate on a very vital and important subject, the Neighborhood Schools Improvement Act.

House Resolution 551 provides for the consideration of H.R. 4323, the Neighborhood Schools Improvement Act, allowing 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Education and Labor.

The rule waives clause 8 of rule XXI—requiring a CBO cost estimate to be included in the bill—against the bill and clause 7 of rule XVI—prohibiting nongermane amendments—against the substitute as modified.

Furthermore, the rule makes in order the Education and Labor Committee amendment in the nature of a substitute, as modified by the amendment printed in section 2 of the rule, as an original bill for the purpose of amendment.

Only those amendments printed in the report accompanying the rule will be in order, to be debated as specified in the report, except that at any time the chairman of the Education and Labor Committee may offer en bloc amendments, debatable for 40 minutes, consisting of amendments in the report.

The amendments are not subject to amendment or to a division of the question and all points of order against the amendments and amendments en bloc are waived.

House Resolution 551 provides for one motion to recommit, with or without instructions. Finally, the rule makes in order a motion to take Senate bill 2 from the Speaker's table, strike all after the enacting clause and insert the text of H.R. 4323 as passed by the House, and a motion to insist on the House amendment to S. 2 and to request a conference with the Senate.

Mr. Speaker, as has often been noted, children are our most valuable heritage. Through them our tomorrows become reality. It is our responsibility to make the necessary investment in the education and support services that will enable our children to develop to their fullest potential and become the leaders tomorrow's world will require.

H.R. 4323 is designed to provide such an investment in our children and in the future. The measure focuses on academic achievement, flexible regulations encouraging innovation to increase students' learning, voluntary national standards for what children should know and systemic reform.

I am especially pleased that the parents as teachers program will be considered as an amendment today. Originating in Missouri and spreading to other States, this early childhood program has proven to be extraordinarily effective in assisting parents to become actively involved in their children's education, thereby increasing the children's learning and growth potential.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Missouri for yielding time to me.

Mr. Speaker, yesterday in the Committee on Rules the chairman of the Committee on Education and Labor, who I am happy to see is here on the House floor, the gentleman from Michigan [Mr. FORD] initially said that his preference would be for an open rule. But given the time constraints this week and the fact that Members on this side want to go to Houston and Members on the other side want to get back to campaigning or whatever, it was argued that some restrictions on amendments are necessary to ensure that we can complete consideration of this bill before we adjourn.

This, Mr. Speaker, is really, I believe, a bogus argument because if we look at this rule, it is the same kind of partisan and abusive gag rule that is traditionally imposed by the overwhelming 9 to 4 vote on the majority of the Committee on Rules.

The rule makes in order 11 Democrat amendments out of 15 that were submitted to our committee, but only 2 Republican amendments out of 14 that were submitted to the committee, are made in order.

If my colleagues on the other side of the aisle were so concerned about the out-of-control amendment process, there was a very simple solution. It would be to put a time limit on amendments. In a sense, as far as most of us are concerned on this side of the aisle, there is a time limit. And it is virtually zero.

The hardworking gentleman from Santa Rosa, the gentleman from California [Mr. RIGGS] will not be permitted to offer his parental responsibility amendment because it is considered controversial. There is concern on the other side that this amendment might actually stimulate a debate over our Nation's failed education policies, yet they make in order Democrat amendments which, according to the distinguished ranking member of the Committee on Education and Labor, the gentleman from Pennsylvania [Mr. GOODLING] are equally controversial.

The Committee on Rules also blocked consideration of amendments by my colleagues, the gentlemen from California, Messrs. DANNEMEYER, ROHRABACHER, DORNAN, and

CUNNINGHAM, the gentleman from Louisiana [Mr. HOLLOWAY], the gentleman from Minnesota [Mr. RAMSTAD] and the gentleman from Wyoming [Mr. THOMAS].

Frankly, Mr. Speaker, if I were in the Democrats shoes, I would not want a debate on this bill either, because it fails to offer any innovative reforms to improve educational achievement, promote accountability.

This bill should more appropriately be called the Pander to the National Education Association Act, because it will ensure continued bureaucratic inertia in our Nation's public school system.

Fortunately, Mr. Speaker, we can still make a difference by voting for the Amey substitute to fund school choice programs and direct Federal dollars to real reform activities. But there are many worthwhile amendments that, unfortunately, were not made in order and, therefore, Mr. Speaker, I am going to urge my colleagues to defeat this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

While I would not want to characterize the comments of my friends from both California and Missouri in any negative way, I would like to once again point out that while time is limited for debate on this bill, that it is very fair between both sides of the aisle. While there are several Democratic amendments, there are two Republican substitutes as well as the right to recommit with or without instructions.

And, of course, any of the amendments that the gentleman referred to may be included at the option of the other side in the motion to recommit with instructions and could have been included in any of the substitutes that were offered.

□ 0940

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE] the chairman of the subcommittee, who has worked very hard on this bill and who has produced an excellent bill.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule. The rule makes in order both the Goodling and Armey substitutes.

These substitutes not only provide the Members with clear policy choices, but the Goodling substitute also incorporates additional amendments proposed independently by other Republican Members.

The rule ensures that Members have an opportunity to debate the key issues relating to education reform, and does so in a manner that also takes into account the short amount of time remaining before the recess.

I urge the adoption of the rule.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 5 minutes to the gentleman from Jacobus, Mr. GOODLING, the very distinguished ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Speaker, I rise to support some of what was said by our ranking member of the Committee on Rules. I have a difficult time understanding the necessity for some of the en bloc amendments which we will talk about later. All of those, I think, with the exception of two, probably should have come up after we have had hearings and we talk about reauthoration of the elementary and secondary education programs next year.

Mr. Speaker, I am pleased to be able to introduce, because of the rule, a substitute, which I will call the Kildee-Goodling substitute, since it was we who spent hundreds of hours over a long period of time, 466 days, I believe, trying to incorporate into a bill some of the requests of the President of the United States.

Our whole idea was to bring about systemic change, so the staffs of both of the Members sat down and decided that these are ways we could bring about systemic change.

Unfortunately, what we will be faced with today is a block grant to do anything under the Sun we want to do, which by and large will be the same as we have always done, which has not helped us in the area of education. In fact, that is why we are being bashed about our educational system at the present time. Our hope was to bring about systemic change. If the Members vote for my substitute, that just might happen.

I cannot guarantee it will happen, but there is a darn sight better chance that it will happen than if the Members vote for the bill that will come from the majority. Again, I hope that my colleagues will look carefully at the original Kildee-Goodling neighborhood schools bill and give me your support when that time comes.

As I indicated, as far as the rule is concerned, we have worked out an agreement, I think, where there would be sufficient time to present our different ideas. I, too, like the gentleman from California [Mr. DREIER], am sorry that the choice was made that 7 of the 29 proposed amendments would come before us today. I supposed if 7 were coming, all 29 probably should have.

Again, I would ask the Members to listen carefully and to consider the substitute that I will offer.

Mr. DREIER of California. Mr. Speaker, I urge a "no" vote on the rule. I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, while there may be some differences on the rule—and I do thank the gentleman from Pennsylvania [Mr. GOODLING] for acknowledging that there is sufficient time to debate our differences on this bill—while there are some differences on the rule, I think I can speak on behalf of all of us in acknowledging the efforts of the chairmen of the committee and the subcommittee, the gentleman from Michigan, Mr. FORD, and Mr. KILDEE, as well as the ranking member, the gentleman from Pennsylvania [Mr. GOODLING], for their work on behalf of the Nation's children. Their work has been exceptional over the years, and I believe this bill is exceptional as the first part of a two-part strategy to reform the Nation's education system.

We look forward to the second part of the committee's work during the next Congress. I urge my colleagues to vote "yes" on the House resolution and on the underlying bill.

Mr. OWENS of Utah. Mr. Speaker, I rise in opposition to the rule. Yesterday, I testified before the Rules Committee on behalf of my amendment to this bill. Mine was a win-win amendment—schoolchildren in many States stood to gain by my amendment, and none would be slighted, but the amendment, to my deep regret, was not made in order.

This is an issue of great concern to me and of great importance to my State and to many other States which receive less chapter 1 money per student than other States. Chapter 1 funds are distributed in a very discriminatory manner, without a defensible theory for its unfairness. This formula discriminates against poor students in poor States, giving more money to the poor in richer States, and that is not right.

Mr. Speaker, because of this decision, many States will lose valuable education dollars this year. California alone will lose close to $170 million; Texas will lose $180 million; and my own State of Utah will lose out on a 55-percent increase in education dollars—$11 million this year—in Utah a very significant amount of money to help those disadvantaged students.

Under my amendment, States could either continue to use the current chapter 1 funding formula or use a revised formula which would substitute the State-per-pupil expenditure with a national-per-pupil expenditure, whichever is more beneficial. The revised formula would also use the new 1990 census figures. Therefore, not one single State would get less money; other States stood to gain.

I understand that the committee did not want to take up any formula changes this year—however, my amendment was a fair and equitable for the interim, to repair a serious and detrimental flaw.

As you know, in calculating chapter 1 funds, the poverty population of those between 5 to 17 years of age are taken into account. These figures are based on the decennial census.

It is now 1992—1992 and we are still using census figures from over a decade ago. This is an indefensible outrage—to use data now 12 years out of date. It only makes sense because current formulae provide more resources to some States than others, and those receiving the higher amounts don't want the rules tampered with. My amendment would have allowed States that have had a

population decrease to continue using 1980 census figures for 1992–93, while allowing States that have had a population increase to use the new 1990 census figures and the national per-pupil expenditure for calculating chapter 1 funding. This would be very fair to all.

Secretary Alexander has informed me that we are not using the 1990 census figures this year because the data from Puerto Rico had not been fully established in time. I ask you, should 23 States be deprived of an additional $550 million in education money because the Department of Education could not tabulate Puerto Rico's data in time? Should 23 States be deprived of money they truly need?

Mr. RAMSTAD. Mr. Speaker, I rise in opposition to the rule.

In light of the events in Los Angeles a few months ago, it is time for Congress to come up with bold and innovative solutions to the troubles facing our inner cities. Unfortunately, this rule denies us the opportunity to vote on an amendment to address this problem.

My amendment would have provided $50 million in educational opportunity zone grants for schools in our most economically and socially distressed communities to invest in comprehensive computer learning technology programs.

Learning technology emphasizes the teaching of fundamental skills through individualized instruction and develops self-directed learning skills, motivating students to learn by discovery. Moreover, learning technology enables teachers to monitor student progress in varied activities and helps them tailor instruction accordingly.

While computers will never, nor should ever, replace teachers in the classroom, they can and should be an exciting tool for teachers to use in the classroom. In fact, the opportunity to use this technology should attract more teachers to the schools that utilize it.

Children are fascinated by technology and the learning opportunities that accompany it. By making learning more enjoyable and less of a chore, we can help motivate even the most disinterested student. And studies show that when children are motivated to learn, they will learn.

Classroom attendance has improved dramatically when kids have access to this kind of learning technology. As one Washington, DC, principal has noted, the teachers in his school won't tell their kids which days they will go to the computer labs because only on those days is attendance 100 percent. Teachers have also been able to limit disciplinary problems by tying computer time to good behavior.

Mr. Speaker, it is vital that children in our lower income communities learn to work with computers, keeping pace with their peers in higher income school districts who have computers at school and at home. In today's age of technology, if all children are to have equal opportunities to learn and succeed, all children must be given the opportunity to work with computers.

My amendment would have earmarked $50 million of the funds authorized for the Neighborhood Schools Improvement State Grant Program toward developing education opportunity zones. But the Rules Committee has decided once again not to give us the opportunity to vote for an inner-city program that is desperately needed and will work.

I urge my colleagues to vote for education opportunity zones and against this restrictive rule.

Mr. RIGGS. Mr. Speaker, I rise in opposition to the rule for this bill, H.R. 4323, the Neighborhood Schools Improvement Act. I went before the Rules Committee yesterday with an amendment that would be instrumental in developing more parental responsibility with respect to their children's education. Needless to say, my amendment was not made in order.

Parents are failing to fulfill their critical role in developing their children's emotional and intellectual growth. If the education of this Nation's youth is to improve, parents' commitment to their children's educational needs must dramatically increase.

My amendment stated that in order for a local school district to receive education funds, the school district shall make available to parents a parental educational responsibility agreement between parents, teachers, and school. By signing this pledge, parents and schools vow to make every effort to do the best they can for the children. For example, children have to be well rested; they have to have a quiet place to study; and they have to develop studious behavior. Schools have responsibilities as well. They have to make every effort to welcome parents and offer suggestions to assist parents to adhere to their pledges. Many may take these goals for granted, but I know better—I know this is the exception rather than the rule.

Education does not just happen at school. From my past duties as president of my local school board, and as a father of three, I know precisely what my responsibilities are. The key determinant to the success of a child's education is the amount of parental involvement that takes place. The schoolday should not end when the last bell rings.

Mr. WHEAT. 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 SPEAKER pro tempore (Mr. SWIFT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 153, not voting 49, as follows:

[Roll No. 382]

YEAS—232

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—153

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Dannemeyer
Davis
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson

Holloway	Miller (OH)	Roukema
Hopkins	Miller (WA)	Santorum
Horton	Molinari	Saxton
Houghton	Moorhead	Schaefer
Hunter	Morella	Schiff
Inhofe	Morrison	Sensenbrenner
James	Myers	Shaw
Johnson (CT)	Nichols	Shays
Johnson (TX)	Nussle	Shuster
Kasich	Orton	Skeen
Klug	Owens (UT)	Smith (NJ)
Kolbe	Oxley	Smith (OR)
Kyl	Packard	Smith (TX)
Lagomarsino	Paxon	Snowe
Leach	Penny	Spence
Lent	Petri	Stearns
Lewis (CA)	Porter	Stump
Lewis (FL)	Pursell	Sundquist
Lightfoot	Quillen	Taylor (NC)
Livingston	Ramstad	Thomas (CA)
Machtley	Ravenel	Thomas (WY)
Marlenee	Regula	Upton
Martin	Rhodes	Vander Jagt
McCandless	Ridge	Vucanovich
McCrery	Rinaldo	Walsh
McCurdy	Ritter	Weldon
McEwen	Roberts	Wolf
McGrath	Rogers	Wylie
McMillan (NC)	Rohrabacher	Young (FL)
Meyers	Ros-Lehtinen	Zeliff
Michel	Roth	Zimmer

NOT VOTING—49

Ackerman	Gaydos	Schulze
Alexander	Gingrich	Sharp
Atkins	Hatcher	Smith (FL)
Bacchus	Hyde	Solarz
Barnard	Ireland	Solomon
Barton	Jones (NC)	Staggers
Campbell (CO)	Kaptur	Stark
Chapman	Kolter	Tallon
Clay	Levine (CA)	Towns
Conyers	Lowery (CA)	Traxler
Cunningham	Markey	Walker
DeFazio	McCollum	Weber
Dickinson	McDade	Weiss
Dymally	Nagle	Wilson
Edwards (OK)	Neal (NC)	Young (AK)
Flake	Perkins	
Ford (TN)	Riggs	

□ 1015

Mr. McCURDY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER INCREASED TIME FOR DEBATE ON AMENDMENTS 7 AND 8 IN HOUSE REPORT 102-838 DURING CONSIDERATION OF H.R. 4323, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that, during consideration of the bill H.R. 4323 pursuant to House Resolution 551, the amendments numbered 7 and 8 in House Report 102-838 each may be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 551 and rule XXVIII, 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. 4323.

□ 1018

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. 4323) to improve education for all students by restructuring the education system in the States, with Mr. PRICE 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 Michigan [Mr. KILDEE] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4323 is the first piece of a two-part strategy for the Federal Government to help improve our Nation's schools.

It represents a major departure from the way that the Federal Government has assisted education in the past.

It is the first effort that seeks to use limited Federal funds as an incentive for public school districts to undertake systemic reform.

Historically, most education reforms have dealt with a single part of the system, such as improving testing, or have focused on special populations.

In contrast, the Neighborhood Schools Improvement Act emphasizes systemwide reform because sustained improvements will not occur without coordinated changes in all parts of the education system.

Federal assistance to encourage systemic reform is critical because school districts are often so financially pressed trying to operate their basic programs that there is no money for reform activities.

H.R. 4323 would fund reform activities in a minimum of one school district per congressional district.

Hopefully, many more districts can be funded depending on the level of appropriations.

However, all schools would benefit from systemic changes at the State level.

Systemic reform proposals would be developed at the State and local levels by panels made up of representatives of the many entities which have a stake in ensuring the availability of quality education programs.

These stakeholders include the Governor, State legislators, parents, and representatives of education, business, and other community leaders.

The stakeholder panels are charged with developing and implementing a reform package which includes identifying high goals for student achievement and ensuring that State and local curriculum, testing, and teacher training support the attainment of those goals.

Additionally, the State panel is to establish a process by which funds will be distributed to local school districts for their reform activities.

At the local level, the bill contains an illustrative list of the types of activities that can be included in a district's systemic reform package.

I wish to emphasize that this list is illustrative, not exclusive.

The activities include: the development and implementation of local education reform plans; new American schools; merit school systems where schools are rewarded for improved student performance; activities that supplement early childhood education programs and increase the readiness of young children to learn; site-based management; activities which maximize parental involvement; the coordination of health and social services with education; planning to improve the use of technology; and professional development for teachers and local administrators.

Another significant feature of this legislation and another departure from the past is the emphasis on achieving results with the expectation that rules and regulations will be relaxed as those results are achieved.

In another departure from the past, H.R. 4323 authorizes the development of voluntary national education standards.

These voluntary standards will set high goals toward which all students can strive.

The standards also can serve as a focal point for reform efforts throughout the Nation.

Additionally, consistent with the recommendations of the National Council on Education Standards and Testing, the bill formally establishes the national education goals panel to oversee the development of the voluntary national standards.

The bill approaches the issue of national standards and testing in a cautious way.

All the standards would be voluntary.

With regard to testing, the bill supports research in new forms of assessment and provides funds for the development of model assessments tied to the national standards for mathematics developed by the National Council of Teachers of Mathematics.

The development of model assessments is limited to mathematics because that is the only area where standards currently exist.

H.R. 4323 also authorizes a demonstration program which would authorize the waiver of certain Federal requirements at the preschool, elementary school, secondary school levels so that schools can experiment with new approaches to meeting the multiple education needs of disadvantaged children.

Waivers of regulations for certain national school lunch and child nutrition programs also would be authorized to simplify the administration of school lunch and child nutrition programs in elementary and secondary school.

The regulatory flexibility provisions do not change the money flowing to schools but allows flexibility within schools regarding its use without fear or auditors.

As I stated earlier, H.R. 4323 is the first piece of a two-part process for helping to improve our Nation's schools.

The second part of the strategy will take place in the next Congress when all the major Federal education programs come up for reauthorization.

Building on the H.R. 4323 framework, the committee will review and revise existing Federal education programs with an eye toward making them more effective as part of a coordinated Federal approach to improving the instruction and achievement of all students.

Mr. Chairman, I urge the passage of the bill.

□ 1020

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding.

Mr. Chairman, I, too, am from Michigan. I take it, however, that I view the crisis in education in this Nation somewhat differently than my distinguished colleague, the gentleman from Michigan [Mr. KILDEE].

The United States is in the midst of an educational crisis, and when we talk about global competitiveness, we had better address, with seriousness, the problem of educational competitiveness and educational achievement.

Mr. Chairman, K–12 spending in this country is higher as a percent of GNP than Japan and Germany. Expenditures per pupil in K–12 education in the United States are almost twice as much as in Japan, almost twice as much as in Germany, almost twice as much as in France. But in the key core competence areas and particularly in the area of mathematics and science, this Nation is woefully behind its global competitors.

Mr. Chairman, a recent international assessment of educational progress found that 13-year-old students fell behind Taiwan, South Korea, Hungary, the old U.S.S.R., Italy, Israel, Canada, France, Spain, and even in Yugoslavia, where they are in the throes of a civil war, American eighth graders fell behind Slovenia.

Mr. Chairman, the time has come for breaking the mold, for taking new and vigorous steps to restructure American schools. That is what the President of the United States has called for. That is what the Secretary of Education has called for. That is what the Governors of this country have called for on a bipartisan basis.

But here is what we got in this listless bill. I quote the chairman of the Committee on Education Labor:

> "It's all cliches and show business," said Chairman William D. Ford, D-Mich. "It's not going to revolutionize anything."

I quote also the Secretary of Education, Mr. Alexander, who said:

> This bill is worse than awful. The only ones who should be happy are those who want schools to stay forever just like they are.

Mr. Chairman, the question before us is not just a new entitlement or new general revenue sharing for K–12 schools in this country; the question before us is whether we are going to face the challenge of breaking the mold.

The question goes beyond the issue of choice. I happen to be one of those who supports choice in education. I support it because of the whole issue of parental accountability and the market dynamics. But that is not the fundamental issue.

Do not be distracted as we address that issue later into thinking that is the only thing we are talking about. We are talking about breaking-the-mold schools and the whole New American School Program, we are talking about waivers to potentially 83,000 school buildings in this country to get around the paperwork that overwhelms them. By Grand Rapids public schools have more reporting forms they have to fill out each year for State and Federal departments of education than it has days of structural activity each academic year. Can we get around this regulatory burden and begin to measure educational accomplishment based on output rather than input?

□ 1030

Mr. Chairman, the problem with this bill is that it focuses on inputs and not the revolutionary change in outputs this Nation so desperately needs.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the administration objected strongly to the higher education bill of the gentleman from Michigan [Mr. FORD], but in the dialog and process that took place they finally signed it with great ceremony because it was a good bill, and it is my hope that this bill, when it goes into conference and with dialog with the White House, we can work out any differences that might exist. I think that the substitute of the gentleman from Pennsylvania [Mr. GOODLING] is not that substantially different. It has problems with it, but we can work those out, and I look forward to working with Mr. GOODLING, with the Senate, with the Secretary of Education, and the President to try to bring any differences together.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise today in support of the legislation before us—the Neighborhood Schools Improvement Act.

I want to commend my chairman and friend DALE KILDEE for keeping the goal of systemic reform so clearly in focus and for resisting the temptation to build a proposal upon educational fadism.

You will hear comments today that this proposal is not sufficiently revolutionary and will not result in dramatic changes in American schools. This measure moves with care—not with drama.

The Neighborhood Schools Improvement Act offers something that President Bush's American 2000 proposal cannot hope to: it offers a series of straightforward mechanisms that can result in systemic reform in all school districts.

It is based on the principle that the quality of schools and the conditions under which children learn will improve only if entire communities are committed to shared goals.

It rejects the conceit that the education of our Nation's children should be based on market principles. I submit—that to accept the theory that forcing schools to compete—for students or for funds—will erode the fundamental American doctrine of universal public education for a large fraction of the next generation of American children.

Make no mistake, private school choice will not be the agent that helps lift the achievement levels of the largest numbers of individual American students—and that is what we want. It will serve only to insulate existing advantages.

I would like to focus on the one component of the neighborhood schools improvement bill that I think is crucially important. It does not rush headlong into yet another layer of tests in American classrooms.

The results of widescale, mandated, standardized testing in the States of Maryland and Pennsylvania were recently studied by two prominent educational researchers. I would like to read to you their final conclusion:

> So far, we know that high-stakes testing does change schools—but frequently for the worse. It surely doesn't provide a foundation for constructive reform. Unless it is brought under control, especially in and by local

communities, the prospects for genuine top-to-bottom school reform may be stalled—for some time to come.

Unless testing is used as a diagnostic tool and not a punitive or political weapon, it is a system that is designed to fail.

The Neighborhood Schools Improvement Act recognizes this and seeks to put in place an alternative that will build a national system of content standards—so that we have a body of knowledge and skills that everyone agrees on. Then, only then, begin to build a system of testing and assessment that will give school systems meaningful information that will tell them where improvements need to be made. Content standards are be to completed in 5 years. This is not a long time.

At the same time the bill provides for expanded research on authentic assessments and for models for assessing national standards for mathematics. Based on the work of National Council of Teachers of mathematics. Mathematics is the only subject area in which there is an existing consensus on curriculum building. When you are building a bridge, the first thing you do is decide where you want to go. After that, you take the steps necessary to ensure materials and engineering standards. And then you test it before you open it for public use. As a taxpayer, you assume that the roads and bridges you drive on are linked, reliably, with the map you use to navigate.

Similarly, it does not make sense to hire teachers, put them in a classroom on the first day and say "here's the final exam, you are on your own, and you better measure up."

To what? What teachers need is a clear, well-marked path on which to guide their students through a body of knowledge upon which they can build an understanding of concepts and acquire an arsenal of skills. The current educational holy grail of widescale testing will not, by itself, create learning environments that encourage higher order thinking skills.

In the end, it remains true that what you measure is what you get. We need to decide first—and with care—what we want our children to know. We need to decide how to teach them—curriculum, teaching and learning material, technique and equipment. And then we'll know what we want to evaluate and test and how best to measure our children's success in learning—and our own success or failure in teaching them.

Mr. Chairman, again I would like to extend my admiration to my subcommittee chairman and his staff. This is a good, solid proposal. It is a proposal that is devoid of gimmicks and empty promises. I believe it is a foundation upon which we can build future improvements, including the work we will undertake when we reauthorize elementary and secondary education programs in the next Congress.

I urge the committee to approve the work of the subcommittee and to reject both the substitutes.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING] for this opportunity. I rise in support of the educational change, and specially the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] and to express disappointment with the bill that we will have before us today.

H.R. 4323 as reported contains a flexibility demonstration program that would allow 300 schools, specifically 20 schools in 15 States, the ability to apply for a waiver of certain requirements of Federal laws and regulations. The bill language allows these waivers in only four areas, and sets up a complicated list of exceptions and requirements.

First, innovation must come from the local and State level. After all, this is where the action is. Roughly 94 percent of the funding for education comes from these levels of government, and I'd argue more than 94 percent of the ideas come from the local level as well. What works in the inner city of Washington won't necessarily work in the plains of Wyoming, and we ought to recognize that.

Second, the key to innovation is flexibility. You can't on one hand tell schools to come up with a bunch of new, original, effective, break-the-mold ideas and then in the next breath qualify that by saying, "but these are the ideas we want to have, and these are the hoops we want you to jump through." It doesn't make sense.

I don't think that's the approach we ought to take. BILL GOODLING will offer a substitute later that I think is a good bill. One section in particular grabbed my attention, and I offered it as a separate amendment. Unfortunately, it was not made in order. My amendment was simple and straightforward. It would have opened up this waiver process to any school, local educational agency, or State that can demonstrate that these waivers are part of a systemwide education reform plan.

We're asking schools to be innovative, to find ways of being more efficient, and I think that is fair. But I hope we can agree on two things.

Unfortunately, our current system doesn't encourage innovation, and H.R. 4323 offers help to less than one-half of 1 percent of the schools in the United States. I'm disappointed the House won't have the chance to address this issue on its own merits, but this is part of the Goodling substitute and I hope we'll support this approach to reform.

In closing, let me just say how disappointing it is to see this business-as-usual bill come to the floor. This bill is calling for things we've been doing in Wyoming for years.

We've already set up a statewide plan for reform and are well on the way to implementing it. I will be supporting the AuCoin amendment later today that recognizes that States who have already begun this process deserve to take part in the program. It is just to bad we will be talking about a bill that does not ask, or even allow, local districts and schools to explore innovative ideas.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Wyoming [Mr. THOMAS] and I are not that far apart on this. I agree that education is a local function. It is a State responsibility, and it is a Federal concern. We try to keep that balance in this bill, and I think both of us would agree that is the balance we want to keep.

We also add some flexibility on the State level.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of this bill.

I would like to express my appreciation to Chairman FORD and Chairman KILDEE for their hard work on this legislation and for bringing a bill to the floor that lays the foundation for fundamental change.

As we get closer and closer to the election, both parties are trying to outdo each other in demanding change. But while everyone is talking about change, this bill makes it more than a slogan; it seeks to transform the way we think about education in this Nation.

We all know that the traditional Federal role in education has been restricted to the area of special needs. But as the evidence of a national education crisis—with potentially disastrous consequences for our economic future—has mounted, the President, the Nation's Governors, and a chorus of others have articulated a new role for the Federal Government: That of a leader in education reform. H.R. 4323 is the first solid proposal to turn all the talk about comprehensive reform into action. For the first time in our Nation's history, it gives the Federal Government a leading role in formulating education policy in this Nation.

But this innovative proposal goes much further. Recognizing that the failure of school reform over the past 15 years can be attributed primarily to its piecemeal nature, this bill strongly supports comprehensive, systemic reform. It calls on States and local communities to join in sweeping plans to transform all schools for all students. It should be noted that no other plan—from the administration or Congress—

envisions reform on this ambitious scale. While funding for this effort is admittedly limited, the bill lays a solid foundation on which we can build in the future.

The bill permits local communities considerable flexibility to design education reform plans that are tailored to their specific needs. Of the many reform techniques that are eligible for Federal funds under H.R. 4323, I would like to draw your attention to one that is of crucial importance: Coordination of education with health and social services.

If you speak to educators in your own congressional district, you will find that an overwhelming reason for the failure of many students lies in problems outside of the classroom: Poverty, inadequate nutrition or health care, drug or alcohol abuse, and child abuse or neglect. Educators find that more of their time is spent coping with these problems and less in actual instruction. But they are fighting a losing battle. As long as the current system for responding to these health and social service needs is fragmented and uncoordinated, at-risk students will continue to fail, and the education of all students will suffer.

Last year, a major report by the Committee for Economic Development called for a comprehensive, coordinated strategy of human investment that will "redefine education as a process that * * * encompasses the physical, social, emotional, and cognitive development of children." In other words, we need to coordinate the traditional role of the schools with key health and social services that are vital to a child's development.

This idea was first expressed legislatively in my bill, H.R. 812, which has more than 140 cosponsors in the House. Now, it has been incorporated into the Neighborhood Schools Improvement Act.

H.R. 4323 encourages the use of Federal reform funds for coordination of education with health and social services. In addition, the bill creates a flexibility demonstration program to allow local school districts to reduce regulations in exchange for a commitment to meet certain educational goals. A preference for grants under the flexibility program will be afforded to local districts which coordinate education and social services. These are extremely important provisions that will make a dramatic difference for students across the Nation.

Much more could be said of the virtues of this bill, but suffice it to say that the bill combines the following important elements:

A vision of the future of education in this Nation that is based on the knowledge that we are capable of excellence;

A comprehensive strategy for achieving that vision by reaching all students in all communities; and

Support for innovative reform techniques, such as the coordination of education with health and social services, that will make a real difference in our children's lives.

This unsung bill has a world to offer our Nation's children and our Nation's economy, and I would urge all of my colleagues to join in support of it.

□ 1040

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, the American people are angry at their Government today. They are concerned about their future and the future of their children and their grandchildren. As a result, they are calling for change, change in our Government, less redtape, less bureaucracy, less Government waste, and getting rid of ineffective Government programs. They want a Government that works with the American people, not against them.

One major concern among my constituents and, I expect, among others, is education. They simply want schools that will guarantee that each child that grows up in this great country will receive an education to help them in their future.

Four hundred and sixty-six days ago President Bush announced America 2000, a revolutionary program to bring real change to America's schools. Since then, 45 States and thousands of communities around this country have adopted the goals of America 2000. It is a program that encourages parents and communities to involve themselves in America's schools. It encourages us all to look at schools in a new light, in a broader context, with the whole concept of lifelong learning.

Many Americans may think that today we are debating America 2000, but we are not. Many Americans may think that we are discussing real school reform. Well, we are not. This is just another charade on the American people. The bill before us is all about protecting the status quo, the education establishment. There is no real reform in this bill. Even the chairman of the full committee admitted that this bill isn't much. There is no choice, there is no flexibility, there is no accountability, and there is no money. The bill protects the education establishment and protects those who have a stranglehold on America's schools.

The Armey substitute, which we will be considering later this afternoon, is real reform. It has choice, it has flexibility, and it has accountability. Let us just say no to the bill we have before us today and let us have real change and real reform in America's schools by supporting the Armey amendment.

Mr. KILDEE. Mr. Chairman, may I inquire, how much time remains?

The CHAIRMAN. The gentleman from Michigan [Mr. KILDEE] has 11 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 22 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me time.

Mr. Chairman, developmental psychologists, if they study the history of this legislation over the past 466 days, are going to have a field day. This legislation, in the manner in which it comes to the floor, is going to be a perfect case study in what the psychologists call defiant compliance. That is what we call it when a parent requests or suggests that a child do something that is good for the child and good for the family and the child in defiant compliance does something that seems similar but is, in fact, markedly different that is harmful to himself and to the family.

This will also be a great case study in peer pressure and how peer pressure might encourage aberrance in behavior. It will be said, Mr. Chairman, that today we are bringing the President's bill out and giving him what he has asked for. That is bull.

The fact of the matter is the President introduced his bill on May 23, 1991. It was introduced by the gentleman from Illinois [Mr. MICHEL], the minority leader of the House, and 57 Republican cosponsors, and that is exactly what one would expect to be the sponsorship of the President's bill in the House.

□ 1050

The bill we are looking at today was introduced on February 26, 1992, by the gentleman from Michigan [Mr. KILDEE] for himself, the gentleman from Michigan [Mr. FORD], and a handful of other Democrats. Not one single Republican is a sponsor or cosponsor of this legislation.

This legislation in no way can be characterized as the President's bill. It is an anathema to the President's bill. It will do exactly opposite for the schoolchildren of America than was intended by the President.

This bill is brought up today because we are taking our August break. During that August break the President and the Republican Party will have their convention in Houston. The sponsors of this legislation, in the most militant partisanship, want today to pass what they think they can pass off as the President's bill, and then in defiant compliance, proclaim their dismay to the world that the President is not endorsing their work product.

Mr. Chairman, we will say more later about the bill of the Member from Michigan [Mr. FORD]. We will have a lively discussion. There will be no discussion today about the President's bill. That was left behind. That was spiked several months ago.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to a defiant compliance, I want to remind the body that the Congress is not a child in relationship to the President. It is President Bush, not Father Bush.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise today in support of H.R. 4323, the Neighborhood Schools Improvement Act. And I want to congratulate and thank my chairmen, WILLIAM FORD and DALE KILDEE for all of their hard work on this bill.

H.R. 4323 is the first step in the direction of nationwide systemic school reform guided and supported by Federal Government resources. This bill provides critical assistance to State and local school districts to plan and undertake system-wide reform. Each school district, with broad public participation, would establish new education standards, innovative curricula, assessment systems, and teacher and administrator training programs.

But while the funds available to local districts must be spent on reforms and innovations to implement the purposes of the act, the bill does not prescribe or mandate the specifics of a local reform program.

The key to the success of this legislation is in the phrase broad public participation. The board of stakeholders created in this legislation goes beyond the teachers, school administrators, local school boards and State boards of education who are empowered in each election, to broadly include parents, students, church groups, professional groups, fraternal groups and the many local businesses and business organizations that have an important stake in the education of students who are their future employees.

This new board must bring in fresh ideas, broaden input and provide for continuous renewal of the mandate for change if we are to sustain effective school reform.

The Neighborhood Schools Improvement Act also establishes a National Education Goals Panel to determine standards for both student performance and school accountability, and provides for research on the impact and content of these standards. And very importantly it focuses on identifying workforce skills students need, and incorporating them into the performance standards.

I believe this bill marries Federal resources with local know-how, a key component of education reform and I urge my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, the education of our young people is one of the most important things we can do in our country. Sadly, in too many places, we have been failing in that duty. And the results have impact in our communities, our workplaces, and our economy.

Unfortunately, the bill before us today will not revitalize our schools. Instead, we have a bill that spends nearly $1 billion to maintain the status quo and fund those same things which have given us so many troubled schools across America.

The Neighborhood Schools Improvement Act, with few exceptions, is based on the premise that education is simply a matter of dollars and cents; it assumes that each increment of funding creates an increment of learning. This fixation is devoid of reality.

In the past three decades, spending on education has risen steadily to a level unsurpassed in U.S. history. We currently spend over $413 billion—$248 going to primary and secondary education—a higher percentage of our gross national product, 7.5 percent, than any other industrial country.—more than Japan, more than Germany, more than so many of our toughest competitors.

Meanwhile, academic researchers have conducted study after study, trying to find evidence for the spending equals learning theory. They have not found it. In fact, just the opposite has been the case.

The national verbal SAT score has fallen to an all time low—18 points below 1967 levels and functional illiteracy in this Nation currently runs between 20 and 30 percent, compared to a high of 5 percent in other industrialized nations.

The earlier version of this legislation, H.R. 3320, represented at least a bipartisan congressional effort to reform education. It did not do everything but it was a step in the right direction.

Unfortunately, H.R. 3320 was returned to committee where it was weakened and reintroduced as H.R. 4323.

The Goodling substitute includes many of the President's America 2000 reform strategies that could transform our education system.

So many of us have witnessed bipartisan America 2000 efforts in our own districts. H.R. 3320 gave these programs a real boost. Too bad it was so weakened.

America 2000 seeks to create thousands of break-the-mold new American schools; help States create a voluntary national examination system; give teachers and principals more flexibility in the spending of Federal money; and, allow public school officials to decide whether some form of school choice fits their education needs. These are ways to deregulate what has become a straitjacketed system.

The Neighborhood Schools Improvement Act reflects nothing more than the views of those who fear change. The legislation before us will guarantee that only the most modest experiments, those the bureaucracy finds least threatening will be tried.

What are we getting for $1 billion? More of the same.

According to Mr. William Moloney, a school superintendent in my district, our—

> weakened condition of public education today relates to the straitjacket of excessive and inane regulation which has horrendously driven up costs at the same time it has driven out accountability, flexibility, and imagination. We have paved our way to perdition through the good intentions of a generation of mandates and regulations, and today our children are paying the price for our folly.

Today we have the opportunity to reform education in our Nation's schools or continue funding the status quo.

The CHAIRMAN. The Chair announces that the gentleman from Pennsylvania [Mr. GOODLING] has 16½ minutes remaining, and the gentleman from Michigan [Mr. KILDEE] has 9 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, 2 weeks from now 600 elementary students in Milwaukee will pack their backpacks, grab a lunch and head off to school. They represent the third year of Wisconsin's bold experiment in private school choice. A plan pushed by Wisconsin Gov. Tommy Thompson, a Republican, and Polly Williams, a Democrat who represents some of the poorer neighborhoods of the State.

Since it began the program has doubled in size.

Wisconsin's experimental choice plan has had an intriguing start.

In one recent survey 95 percent of parents in Milwaukee support the program, and its strongest support is in the low-income communities which it is designed to help.

Why? Because since it began truancy problems have dramatically diminished for the students who for the most part come from tough neighborhoods, and poor families.

Parental involvement has soared, and the families attitude towards school itself has shown marked improvement. These are the objective evaluations of a University of Wisconsin researcher hired to track the program.

Now I don't think choice has all the answers but I think it should be one of the options which States should be able to consider as we make $700 million available to remake American schools.

This is money designed for experimentation, for pilot programs which a local teacher or a local principal has always wanted to try, but could never find the cash to do it, from all black male schools in Detroit to the tech prep programs now in the design stage in a number of States.

The kind of proposals already spelled out by design teams from 700 local

communities including a proposal drafted by the University of Wisconsin, and one drafted by a design team of my own local educators and business leaders.

We can't allow the President and Education Secretary's, Lamar Alexander, plan for school innovation to be turned into revenue sharing, so that it's business as usual in American schools. Support the Goodling substitute. We need creativity, we need flexibility, and we need a Congress willing to reward risk like the groundbreaking program in Wisconsin.

I include for the RECORD an article, "School Choice on Trial."

SCHOOL CHOICE ON TRIAL

Publicly funded Education vouchers—the murky catchword is "school choice"—have been a staple of the conservative agenda ever since economist Milton Friedman first proposed them in 1962. There was the Alum Rock, Calif., voucher experiment in the Nixon era, the debate over tuition tax credits in the Reagan years and, coming out of the Bush White House, there are variations on the voucher theme.

While Congress and the courts have been unsympathetic to any transfer of public funds to parents for use in private or parochial schools, the states and the general public have not let go of the idea. Ballot initiatives and state legislative battles attest to the interest in choice, and Gallup polls record strong backing for it, particularly among minorities and urban residents. This spring, in a judicial departure, the Wisconsin Supreme Court upheld Milwaukee's limited but much-watched voucher program.

That court victory led this month to two attention-getting lawsuits brought on behalf of low-income parents in Los Angeles and Chicago, challenging the quality of the inner-city schools and demanding voucher remedies. The cases' legal precepts—alleged violations of state laws that guarantee such things as "an efficient system of high-quality public educational institutions" and the encouragement of "intellectual improvement"—are less noteworthy than the new ideological coloration of this litigation strategy organized by a nonprofit group calling itself the Institute for Justice. Gone is the purely economic rationale for school choice—that competition and the principles of the free market will improve the public schools. The new rationale is embedded in the language of class struggle, and it's decidedly more militant: Only school choice can "liberate disadvantaged parents and their children from inferior public schools. The buzzword from the plaintiffs' and from such reformers as Polly Williams, the sponsor of the Milwaukee voucher plan, is "empowerment" (a word heard often in Chicago, where hundreds of local school councils were created during a landmark reform effort).

It's impossible to counter what these people observe—that the public schools in the inner cities are separate and unequal places. Test scores are abysmally low, dropout rates approach or exceed 50 percent, violence impedes learning, and administrative costs siphon resources from the classrooms. It's also hard to refute the argument that many attempted reforms have failed—reforms involving substantial infusions of money. The plaintiffs, like those organizing the increasing number of school-financing suits that aim to equalize resources by forcing a redistribution of state funds, are turning to the courts for an all-out remedy. (A finance suit wouldn't have worked here—the per-pupil cost in Chicago is already higher than the state average.)

But choice, even if it were to survive the inevitable constitutional challenge, is unlikely to help much. There aren't enough private or parochial schools in either Los Angeles or Chicago or anyplace else to help more than a relatively small number of carefully chosen kids. What of the rest? Who will "liberate" them?

Controlled school-choice experiments nevertheless bear watching. If nothing else, one good voucher demonstration (which Alum Rock was not and Milwaukee is unlikely to be) would answer the nagging, much-fought-over questions about the effect of choice on the public schools, the cost of vouchers and the nature, selectivity and public accountability of new schools that are supposed to emerge in a more competitive environment. But choice is not the answer to the gross inequities that prevail among America's schools.

□ 1100

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, if I can rephrase an old adage that seems all too appropriate here this morning, it would be that when adults play politics with education, unfortunately it is the children who get trampled.

Therefore, if we look at the bills and the substitutes before us today, I have to tell my Republican colleagues that H.R. 4323 is a heck of a lot better bill than some of us want to admit. And I have to tell my Democratic colleagues that the Goodling substitute is not the Goodling substitute at all. It is the bipartisan bill originally passed out of our committee. And we all ought to vote for that, and we ought to move on.

I intend today to vote for the Goodling substitute, and I intend, if that fails, to vote for the bill on final passage because I still want to believe that this Congress is willing in a bipartisan way to work with the Senate, and I still want to believe that the Secretary of Education will want to work with us to develop a bipartisan bill to improve the quality of education in this country.

The reality is that between 1985 and the year 2000, we are looking at something like 15 million new jobs in this country that are going to require a high level of education in writing skills. The reality is that under today's projections, only 22 percent of our graduates in our school system will meet those reading and writing skills so necessary for employment.

So in the midst of a recession, this may be the most important jobs bill that we have in front of this Congress, and I regret that it has taken us this long. Because if we would have passed the bill shortly after October 1989, when the Governors and the President came up with their bipartisan education goals, if we would have passed this bill by the April 1 deadline of this year, when the Committee on Appropriations set aside $100 million for education reform, we would have been a long ways into dealing with States and communities in reforming their education programs.

I think we ought to talk a little bit about the reality of what we are doing here. To suggest that this is business as usual is just plain wrong on both counts. The reality is that both the Goodling substitute and the bill in front of us mandate that there be State educational reform plans. Even under the Democratic bill, every one of those reform plans have to be approved by the Secretary of Education before that State can continue on with their reform initiatives.

The reality is, both bills in front of us require that every local community must develop a local education reform plan before they can apply for any of those monies that come from the Federal Government down to the States. Both bills in a different way deal with national standards and assessment with 21st century schools, with education flexibility and with choice. Even though they do not directly say it, they do not deny it.

I encourage my colleagues to take a good look at the Goodling substitute. It is the best bipartisan bill. But if that fails, help us try to move something to fruition for the children of this country before this Congress adjourns.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS], a member of the committee.

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of the Neighborhood Schools Improvement Act of 1992. This is a first step in an overwhelming campaign to improve education in America, and that is the way we have to approach it.

We have to have an overwhelming campaign. Remember the word "overwhelming" was coined in terms of Desert Storm, overwhelming force, which means we take a comprehensive approach. We do not try to do it with the frogmen or just the Marine Corps or the helicopters. We have a comprehensive approach where we put everything we have available into the field to try to get results.

We need that. This is the first step. This is a comprehensive effort. It is a beginning of the end of the practice of trivializing education reform in America. We have been trivializing it. We do not treat it the way we should treat it. We do not treat it the way we treat agriculture or the fight against diseases. We must move with an overwhelming effort.

This is an antidote to extremism also. This bill does not try to put all of our efforts into one strategy like choice. The President's bill proposed over half a billion be spent on choice

alone, an untested idea. That is extremism, a totalitarian attempt to shove down the throats of the American school districts a solution which has not been tested.

Finally, this bill provides for national school delivery standards. Any plan like America 2000 which does not have a statement clearly spelled out as to how we are going to improve our delivery standards in schools is a plan which is a world-class fraud.

We cannot talk about world-class standards, world-class tests, and not deal with delivery standards which are going to enable schools to meet those standards and enable our students to pass those tests.

The future of the Nation depends on a serious effort at reform. The only serious effort at reform has to be an overwhelming effort, an effort which tries to make room in the constellation for all of the various units or vehicles that we have out there already.

We can have an American solution to the problem of educational improvement, and this is the beginning, step one.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, John Greenleaf Whittier wrote:

For of all sad words of tongue or pen The saddest are these: "It might have been."

This quotation expresses my feelings about the Ford education bill. I think all 435 of us will agree that our present educational system is failing and is in desperate need of repair. The American people know, and we should know by now, that throwing more money at the problem is not the solution.

The President's America 2000 Program provided a new approach which could have done the job. If his ideas had been included in this bill, each of our 435 districts would have had an opportunity to create new methods of teaching and learning. They would have had the mandate to break the failed mold of education past and to develop innovative education. All districts would have benefited from the resulting changes.

Instead of what might have been, the Democrat leadership in this house has retreated to dumping money into the failing education system. The Ford bill proposes a $700 million block grant to be administered by the very bureaucracy that stands in the way of true education reform, true change. The Democrats relish the rhetoric of change. But that's all it is, rhetoric. The Ford bill presents nothing new because that would have upset the NEA.

It is high time we stop pandering to the whims of the NEA and start working for the benefit of those education was created to serve—the children. Our schools exist for education and the students, not the stagnant politics of the teachers' union.

Let me say once again:

For of all sad words of tongue or pen
The Saddest are these:
"It might have been."

If we want to support that, support the Goodling and Armey amendments.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a sad day for me because it is the first time in 18 years that we have ever come to the floor of the House with an elementary, secondary education bill or, perhaps, any education bill that there was not bipartisan agreement, support, and a bipartisan effort to put it together.

□ 1110

I am surprised, but I am glad I found out that there is strong support for the bill that is on the floor today, because up until today I could not find anyone that wanted to support it. I could not find anyone who wanted to assume pride of authorship. I now have heard that there really is some support out there, and I am pleased to hear that.

Basically, Mr. Chairman, what we are faced with today with the committee bill is really a block grant. It is really a chapter 2 effort all over again, on top of the chapter 2 program we presently have. Contrary to what the Members heard, I would have to say there is nothing in the bill whatsoever that could bring about systemic change.

Four hundred and sixty-six days ago, through the leadership of the President, we got the public thinking about systemic change. After that the gentleman from Michigan [Mr. KILDEE] and his staff and my staff and myself listened to testimony over and over again, and then spent hours and hours drawing up a program that we though would bring about systemic change, would really help us meet the six national education goals. My hope is that in 20 years we can meet those goals. In fact, if we do not meet those six goals in 20 years, it seems to me America as the Members and I now know it will not be around.

We now have before us some choices. First of all, we do not have President Bush's bill before us, even though if we say "a horse is a cow" enough times, I suppose we get some people to believe that a horse is a cow. We do not have the President's bill before us. We have the committee bill, which as I said, I do not believe brings about systemic change. It does nothing to change the direction of education.

In fact, what the committee bill does is say that we will do business as usual. I received the worst letter I have ever seen written by a lobbyist, and that said "support the committee bill, because it does all sorts of wonderful things to help us bring about change." This came from someone who was in a position for years to do something about change but has not done anything about change. What he liked about it was that it sends him money, and he can do whatever he wants with that money.

Then he even goes on to say, "Do not make any changes in this bill unless Chairman FORD says those changes may be made." That is a pretty powerful statement. It is the most blatant kind of letter I have seen from a lobbyist.

Let me talk very briefly about the alternative that I will offer, which I take only some pride of authorship in. I give a great deal of that to the gentleman from Michigan [Mr. KILDEE], and I give a great deal of that to the staff on both sides, because we worked through this after testimony and came up with what we thought would bring systemic change. We would force those entities out there who have never done anything about change to finally say, "Hey, this is a new era we live in. We have to make some changes or this country is not going to be competitive."

Just briefly, some of the things that I do in this substitute, or I should say in our substitute, first of all, real involvement of a local community. If we are going to have a local community of people who spend a great deal of time climbing the ladder of success, get involved in trying to determine "what do we need to do differently in this community," we have some assurance that if they give hours, perhaps hundreds of hours, to their effort, that they cannot then be turned down and somebody else can substitute something.

In the bill that we have before us from the committee, they have the same committee. What is the big difference? That committee can work and work and work, but the local school board can not only, as in my bill, not seek a grant for it, they can rewrite it and send it.

I know they say "preference should be given to something that the committee agreed on." They do not have to do that. In other words, all the hard work of this committee goes down the tube because the board can rewrite it. In my bill, we say they can reject it. The board has, in my legislation, the first opportunity to say whether they want to seek a grant. They have the last statement on the issue, as to whether they are going to send a grant application at all to the State.

Second, in my bill all of the funds must go to educational reform programs. I do not broadly open this and say, 9,642 things you can do with the money, 9,500 of those you have already been doing; nothing new. I zero in on six or seven areas that really need consideration if we are going to bring about systemic change.

Let me make it very clear about where my bill stands on choice. My bill specifically says that that local board will make that decision. If that local

board wants to do what boards all over the country are beginning to do, have choice within their school system, that is their business. We do not dictate that. It is entirely up to them.

Let us make it very, very clear that it is entirely up to that local board whether that becomes something they want to do. No one else, no one from Washington, no one any other place but that board will make that decision.

Flexibility. We have had testimony for at least 10 years saying that, "We could get beyond this access issue," because that is what we are stuck on. We have been stuck on access for 50 years. It was important to move in that direction. Now we have to ask, "Access to what?" If it is not access to quality, what good is the access?

What we say here is, "Yes, this is what we have to reach." These are the goals we have to reach, but we are not telling them from here that they must do it in this way, this way, this way, this way. We are saying, "If you meet those goals, and we will be hounding you to make sure you meet them, you can do that. You can do it your way as long as you make progress toward expected outcomes in Federal education programs.

We do that in my bill. We give them that flexibility. On the other hand, the bill currently before the Members allows 300 schools out of 83. There is not anyone who does not know that flexibility is a big problem. Every person I have ever spoken to, every person who has ever testified, says "If you will give us a little leeway, if you will give us a little flexibility, we can make a difference. We will reach the goals you want, but give us a little credit for having an idea of how we might do that."

My hope is that we will not only have access, but that these youngsters who have been denied quality education will have access to excellence, instead of just access.

Then provide for New American Schools—not very new any longer—because there are all sorts of those in operation at the present time—but if they are going to pursue that avenue, yes, they can make an application to continue doing that using some Federal funds. So that is just a brief resume of what I will offer later.

Again, I hope that we can bring about systemic change. If we do not, I repeat, we are going to find ourselves a noncompetitive nation and not going to live according to the standards to which we have become accustomed.

The CHAIRMAN. All time under the control of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS], for a colloquy.

Mr. OWENS of Utah. Mr. Chairman, my amendment on the chapter 1 funding formula was not made in order by the Committee on Rules yesterday, and therefore I would like to propound, if I might, a question to my colleague, the gentleman from Michigan [Mr. KILDEE], the chairman of the subcommittee, regarding this formula.

I would ask the gentleman, can I be assured that hearings will be held on the chapter 1 funding formula during the reauthorization of the Elementary and Secondary Education Act, and that my proposal will be considered at that time?

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I would say to the gentleman, yes, that is correct. The chapter 1 formula will be a major consideration during the reauthorization next year. Hearings will be held and the gentleman's proposal certainly would be one of the options considered.

The gentleman from Utah [Mr. OWENS] has been an unrelenting and steadfast advocate for providing educational funding and equity in educational funding. It was his amendment, indeed, in the 1988 reauthorization of chapter 1 that required the Secretary of Education to conduct a study on equity of the chapter 1 formula. We will be looking at that.

Mr. OWENS of Utah. Mr. Chairman, I appreciate the gentleman's reassurance.

Mr. Chairman, yesterday I testified before the Rules Committee on behalf of my amendment to this bill. Mine was a win-win amendent—school children in many States stood to gain by my amendment, and none would be slighted, but the amendment, to my deep regret, was not made in order.

This is an issue of great concern to me and of great importance to my State and to many other States, which receive less chapter 1 money per student than other States. Chapter 1 funds are distributed in a very discriminatory manner, without a defensible theory for its unfairness. This formula distributes more funds to poor children in wealthy States than it gives to poor children in poor States and that is not right. For example, the formula distributes $1.50 to every poor child in Connecticut for every $1 provided to a poor child in Mississippi.

Mr. Chairman, I have been fighting long and hard to change the chapter 1 funding formula and bring more education dollars to Utah, as well as to many other States. Utah is currently dead last in 6 out of the 11 major education formulas designed to distribute Federal education dollars to the States.

Because of the decision made by the Rules Committee, many States will lose valuable education dollars this year—California alone will lose close to $170 million, Texas will lose $180 million and my own State of Utah will lose out a 55-percent increase in education dollars—$11 million this year—in Utah a very significant amount of money to help those disadvantaged students.

I understand that the committee did not want to take up any formula changes this year—however, my amendment was a fair and equitable solution for the interim, to repair a serious and detrimental flaw.

As you know, in calculating chapter 1 funds, the poverty population of those between 5–17 years of age are taken into account. These figures are based on the decennial census.

It is now 1992 and we are still using census figures from over a decade ago. This is an indefensible outrage—to use data now 12 years out of date. It only makes sense because current formula provides more resources to some States than others, and those receiving the higher amounts don't want the rules tampered with. My amendment would have allowed States that have had a population decrease to continue using 1980 census figures for 1992–93, while allowing States that have had a population increase to use the new 1990 census figures and the national-per-pupil expenditure for calculating chapter 1 funding. This would be fair to all.

Secretary Alexander has informed me that we are not using the 1990 census figures this year because data from Puerto Rico could not be fully established in time. I ask you, should 23 States be deprived of an additional $550 million in education money because the Department of Education could not tabulate Puerto Rico's data in time? Should 23 States be deprived of money they truly need?

Mr. Chairman, this delay is unconscionable. My amendment, on the other hand, was both sensible and equitable and could have turned this inauspicious situation around.

I look forward to working with the Education and Labor Committee on developing a more fair and equitable change to the current formula—which is long overdue.

□ 1120

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of H.R. 4323.

We have heard several times this morning that supporters of the administration have been calling for 466 days for action, or whatever the number of days is. Secretary Alexander has been calling for something to be done. President Bush has been calling for something to be done. They have been calling, all right, but they have been calling collect.

Unlike the bill that is before us, this administration is not committed to do what works. It works to put more guidance counselors in schools to help students. They are not committed to that. It works to help kids that need a counselor or a social worker or a nutritionist, and they are not committed to that. What they are committed to do is to politicize the debate.

What does work is when people in school buildings, and families and neighbors make decisions about how their schools ought to look.

This is not a perfect bill. There are things in it I wish it would do. There

are things in it that it does that I am not entirely enthusiastic about. But the best thing that this bill does is to take the education discussion out of the Rose Garden where it has been for the last 3 years, and puts it back in the communities and the neighborhoods where it belongs.

The biggest crisis among many problems in American education is that people running for office have chosen to use education as a vehicle rather than to make education reform their true and honest commitment. Because Chairman FORD and Chairman KILDEE's bill does that, I support it, and I urge my colleagues to do the same.

Mr. KILDEE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA], a member of the committee.

Mrs. ROUKEMA. Mr. Chairman, I rise in reluctant opposition to H.R. 4323, the Neighborhood Schools Improvement Act.

As a member of the Committee on Education and Labor, I have seen this proposed legislation go through a number of interesting twists and turns. First, it began as a response to our President's America 2000 initiative to improve and reform our Nation's elementary and secondary schools. Last October, the committee agreed to report out the first Neighborhood Schools Improvement Act, H.R. 3320, the so-called Ford-Kildee-Goodling bill. It—like the President's approach—contained one major flaw: It would have—for the first time in our history—permitted Federal taxpayer dollars to be used to support private and parochial schools. Although today we are speaking of this proposed diversion of Federal funds to nonpublic schools as school choice, let us be clear—we are talking about school vouchers. In my view, such a move could be the beginning of the end of our Nation's public school system—a system that has, over the years, helped to make this Nation great.

The bill that is now before us, H.R. 4323—the latest iteration of the Neighborhood Schools Improvement Act—is no longer flawed by the inclusion of private and parochial school choice. But, it brings with it another potential policy Pandora's Box. Since last October, the committee has seen fit to venture into the creation of a national system of standards and assessment. Sparked by the recent report of the National Commission on Standards and Testing, and Senate action on a similar systemic education reform bill (S. 2), this legislation authorizes moneys for the development of voluntary national content and delivery standards.

This bill would also move us into the very murky waters of a voluntary national assessment system—although it stops far short of the more onerous national testing proposals that have been advanced by some. As a former public school teacher, and school board vice president, I can assure you that the idea of establishing national standards and testing is not a new one. It has become, however, one of the most discussed school reform tools in the current—and raging—debate concerning how to improve the educational achievement of our children. What is new is the reversal of philosophy among Republicans who are inviting a greater Federal role on education—a role which historically has been limited—a narrow limit which Republicans historically defined. Democrats know what they are doing here as noted in a Dear Colleague from one of our Members, and I quote, "For the first time in our Nation's history, it gives the Federal Government a leading role in education policy.

This will surely be the law of unintended consequences taking charge of future public education.

With respect to the $700 million per year authorization level for educational reform grants to local school districts, it must be stressed that these moneys will benefit only a small number, about 500 of our Nation's neighborhood schools. We have no real idea whether these reform efforts will lead to improved educational achievement. Yet, when the fiscal year 1993 appropriation for Pell grants will necessitate a $100 reduction in the maximum award, from $2,400 to $2,300 due to a $1.5 billion program shortfall—we are about to authorize significant new expenditures for a costly school reform experiment.

Mr. Chairman, I doubt that a majority of our colleagues will be persuaded to vote against an education bill this close to an election—despite the sound arguments against the particular approach that this bill takes. I believe, however, that we should not just legislate for the sake of legislating. Major new endeavors such as launching a national system of standards and testing can certainly wait until next year when the Education and Labor Committee will begin work on reauthorizing the Elementary and Secondary Education Act. In my view, the committee has not had adequate time to fully evaluate the issue of standards and assessment and, once established, what such a system would really mean for our children—and how it might ultimately be used to determine their individual futures.

Moreover, we must recognize that we have many proven education programs that are not fully funded that need our attention. Our Nation's schools are faced with countless challenges as they struggle to provide children with the knowledge, skills, and wisdom that it takes to succeed—and, for many, even to survive—in today's world. Now, Mr. Chairman, is not the time to establish yet another new and unproven program—that will benefit only a small number of local school districts and school children—to vie with existing programs that benefit handicapped and underprivileged children for our very limited financial resources.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in support of H.R. 4323 offered by Representative KILDEE. The Neighborhood Schools Improvement Act is an important piece of education legislation for a number of reasons. First, it displays Congress' continuing commitment to America's students under today's difficult budgetary conditions. However, of equal importance, it relays the message that decisions regarding our schools are still best made at a local level.

Over the next 5 years, it is estimated that this bill will authorize over $3.5 billion in revenue to help schools begin the reform process. As the world changes, and our business systems change, so must our schools change; they must grow to meet the challenges of our changing society. We must not allow our students to be released from an educational system, only to find that the skills they have been given are outdated and no longer useful. H.R. 4323 helps schools to begin this process of adaptation.

Some of my colleagues on the other side of the aisle will argue that there is no way to ensure this money is used in truly innovative ways. However, the applications that they decry as traditionalist are often those that are most critical to fostering new skills in our students—the purchase of computers and the training of teachers in the latest concepts are just two examples. It is clear that there are revolutionary requirements in the battle to restructure our schools.

Some of the ideas, that our Republican colleagues would have us believe are wholly new, are, in fact, nothing more than ways to rob our public schools of the scarce funding they now receive. Senator HATCH, who counts himself among the supporters of private school choice, was quoted on this matter in the Washington Post last week. He says "power is often in our feet: we walk out of bad restaurants, bad movies or bad retail stores." However, how often have we driven through impoverished areas to find bad restaurants and a reliance on overpriced convenience stores. The ability to walk out of establishments as Senator HATCH proposes requires an individual to have access and understanding of better alternatives—many poor families do not have these prerequisites. Why will a choice of schools prove to be any different.

We can find one example right here in our own back yard. Just on the edge of Capitol Hill is H Street Northeast. H Street has never recovered from the riots of 1968. To ride through that area one might feel he has entered a Third World country. However, just a few years ago Mega Foods, a discount food chain, decided to work with the community and open a discount grocery store in the area. Everyone hoped that this would spur the beginning of a renovation process for that entire corridor. Did the choice option help in this situation—it certainly did not. I am told that if you shop in Mega Foods now the shelves are often bare—and the H Street corridor—it is as poor as ever. Choice continues to be a benefit of the wealthy.

H.R. 4323 will help our educators to renew their methods with the help and assistance of community and business leaders. This is what our school systems need, not false promises like private school choice. It is unfortunate that we cannot do more at this point, but the Neighborhood Schools Improvement Act is a good start. I urge my colleagues to support it.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Let me say at the outset that there are a number of us that have read the legislation that was introduced by the gentleman from Illinois [Mr. MICHEL] and others on behalf of the President of

the United States. A lot of what the President proposed would have been good legislation, and I think many of us in this Chamber would support it.

I also think that some of what he proposed is the wrong direction to go, and so a lot of us are not unhappy that we are not debating every proposal made by the administration, particularly those that suggest that we can take hundreds of millions of dollars, I suspect from the taxpayers, in order to reimburse persons who send their children or elect to send their children to private schools. I understand the issue of choice. I do not happen to believe that it is necessary for the Federal Government to be the one to dictate those kinds of issues. In fact, I appreciate the statements of both of the gentlemen from Wisconsin in highlighting the fact that they were able to achieve results that I think are being watched by the rest of the Nation in a very serious way at the local and State levels themselves.

I would say that I think it is important that this legislation ultimately address the issues that Governor Clinton addressed in recent testimony that he gave, and that was legislation that, by the way, I have introduced last year and this year, to deal with the inequities in schools and whether or not we will be able to find the kind of funding we need to assist States in providing the elimination of those inequities and providing equalization for our schools.

In addition to that, I think Secretary Alexander's position with respect to using 1980 census data is a travesty. My State of Texas will lose in excess of $100 million because of that decision, and in fact, many of the children that we are addressing providing funds for have already graduated from public schools using those statistics, and so I think we have to address that issue. I know the committee will continue to hold hearings and work on that issue, and I intend to seek out a commitment from the chairman and the subcommittee chairman on that issue.

Finally, I would say that I happen to think that this bill deserves our support. It is a good first step, as our colleague from New York put it. I think we can move forward, and I thank the gentleman for the time.

Mr. KILDEE. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me the time and appreciate his initiative and leadership that he has provided. My heart breaks when I see the conditions of some of our schools, and I want to do what I can to improve those conditions and to provide an opportunity for a better education for our children.

The good intentions of the debate here today caused me to recall what the President of the Russian Republic, Boris Yeltsin, said in his recent address to a joint meeting of Congress here in this room.

He told us that "even the most benevolent intentions will inevitably be abandoned and committed to oblivion if they are not translated into everyday efforts."

Here in Congress, we strive everyday to see that good intentions are translated into everyday efforts, to make things better for our country and its people.

Making our educational system better has been one of my major goals since coming to Washington in 1969. During my service in Congress, I have visited every school in the First Congressional District of Arkansas. In fact, I made a conscious decision on coming here that I would devote as much time as possible to issues affecting young people—because they are the future.

In visiting our schools, I have found that taxpayers get more than their money's worth from the teachers who instruct our children.

They work hard in the classroom.

They are committed to teaching.

In fact, teachers are often not only educators for our children, but the only real supervisional role models their students have.

My point is: We can make strive mightily here in Washington to translate benevolent intentions in everyday efforts by passing bills which benefit education—but we cannot address the root causes of the problem in education for many of our children.

You see, their problem is not in the classroom. Their problem beings at the doorsteps of their home. They attend school every day, but after the final bell, they often return to a home which is—for whatever reason—not a loving, nurturing place.

The superintendent at the high school in Earle, AR, once told me that many of the students in his school didn't really have a home to go to, or conditions were such in the home that they didn't want to spend time there. So many children went to the streets which led them to trouble, even crime.

When I was in elementary school in my hometown of Osceola, I would go home in the afternoon before beginning my paper route to a loving mother, cookies on the stove and milk in the refrigerator. My needs were attended.

A professor of Spanish, who came to America 5 years ago from Ecuador, told me that "the problem with American youth is that their mothers don't spend enough time with their children." I would observe that, in many cases, both mothers and fathers do not spend enough time with their children.

Yes, we can attempt to translate benevolent intentions into everyday efforts here in Washington. But, Mr. Chairman, there is simply no substitute for the attention, nourishment, and encouragement a child needs to receive at home from loving parents.

Certainly, we should not give up trying to make things better, but Congress cannot hope to produce a whole child by its efforts alone.

My mother-in-law recently gave me a wall hanging that contains an important lesson for Congress, for parents, for all of us:

CHILDREN LEARN WHAT THEY LIVE

If children live with criticism, they learn to condemn.

If children live with hostility, they learn to fight.

If children live with ridicule, they learn to be shy.

If children live with shame, they learn to feel guilty.

If children live with tolerance, they learn to be patient.

If children live with encouragement, they learn confidence.

If children live with praise, they learn to appreciate.

If children live with fairness, they learn justice.

If children live with approval, they learn to like themselves.

If children live with acceptance and friendship, they learn to find love in the world.

Mr. KILDEE. Mr. Chairman, I yield the balance of my time, 1 minute, to the gentleman from Michigan [Mr. FORD], chairman of the full committee.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to me at the onset of his remarks?

Mr. FORD of Michigan. I have 1 minute, and I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding. I just want to point out that this is a step, this bill is a small step. It does not in my judgment provide the leadership that we fully need, but I think there is a reason for that.

The lesson from this bill is that this country needs a President and a Congress of the same party. This bill would be a bold bill if Chairman FORD and Chairman KILDEE knew that they could get a signature on it.

I think this bill points out that we need leadership in both the White House and the Congress, and I thank the gentleman for yielding.

Mr. FORD of Michigan. Mr. Chairman, I want to observe that Members are going to have a smorgasbord today, a lot to choose from.

According to what I have heard so far, one thing Members will not have a chance to get a choice for is Education 2000. I am kind of sorry about that, because the Secretary has been touring the country ever since he arrived in Washington originally chanting the mantra of Education 2000 like a rap singer. And I do not know what he is running for, but he sure is not talking about improving education. He has been playing politics for a year and a half, and the product today is the answer to that playing politics game.

The Neighborhood Schools Improvement Act is the first comprehensive school reform bill the Congress has considered. All prior bills have focused on individual groups of children or on particular problems. This bill, by contrast, calls for sweeping restructuring in the education of all children. Let me briefly describe the four chief characteristics of H.R. 4323 which make it so different from the programs we have considered in the past.

First, the bill calls for the development of voluntary national standards for education. Never in our two-century history as a nation have we had standards to describe what children should know. Educators tell us that we must have these standards now in order to have a focal point for national education reform.

Second, the bill creates a framework to improve the education of all children. Not since the Federal Government set-aside land to create public schools in the 18th and 19th centuries have we at the national level been concerned with the education of all children.

Third, the bill calls for systemwide reform in education. As I have already mentioned, current Federal programs now focus on one population of students or another or on one problem or another. None seek broad-based improvement of the entire system of public education.

Fourth, the bill emphasizes educational achievement instead of concentrating on the educational process. The bill also anticipates easing Federal and State rules and regulations in exchange for students achieving higher grades.

The Congress has never been concerned before about achieving such broad-based school reform and, therefore, we have had to think differently as we have crafted this legislation. The only disappointment I have is that the bill calls for spending only $800 million in the first year. I believe we should be spending billions of new dollars to meet the needs in education. But with the current tight budget resolution we had little hope that we could secure these dollars soon. Therefore, we have put off a great expansion of this program until next year and the following years.

Another important point is that the Neighborhood Schools Act is only the first step of a two-part process to improve education. H.R. 4323 will establish the general framework for school reform but then next year we will have an opportunity to refashion the array of Federal programs to fit within this framework. Ten billion dollars of current Federal aid expires next year and must be reauthorized. This will be our chance to update Federal programs and hone them to achieve broad reform.

Let me add a point about national testing since that area is so controversial. H.R. 4323 authorizes research and development on models for assessment in mathematics. The bill does not call for the immediate adoption of a national testing system.

Our committee decided not to take a major step in the direction of national testing because we do not know what would be tested. Every expert has told us that national standards must be developed before any national assessment system is fashioned to measure the progress toward achieving those standards. The only area in which national standards are near completion is mathematics and, therefore, we have authorized the development of models to assess math proficiency. No other subject area is anywhere near being ready for assessment. Therefore, we thought it was more prudent to wait until next year to decide what to do in these other areas.

The last topic I wish to discuss is the subject of aid to private schools. Several members are interested in offering voucher or choice amendments involving private school participation.

I am unalterably opposed to all these amendments. Such amendments are unconstitutional, distract us from the needs in education, and many lead to fraud and abuse.

Yesterday, I included in the CONGRESSIONAL RECORD a statement outlining 45 years of constitutional law in the area of aid to private schools. A close reading of these decisions by the Supreme Court will show that vouchers for elementary and secondary education are unconstitutional.

These voucher or choice proposals are also extremely unwise in that they distract us from addressing the real problems in education. We will be spending our time arguing the merits of these unconstitutional proposals when we should be addressing ways to improve the public schools.

Vouchers and choice proposals will also open the door to fraud and abuse. Most people think of vouchers or choice as aiding parochial schools but such amendments move us in the direction of aiding private, profit-making schools.

In the area of postsecondary student assistance, we have grappled with the problems of how to involve profit-making schools while avoiding any opportunities for abuse. In the higher education amendments which were signed into law 2 weeks ago, we enacted over 100 amendments clamping down on the bad apples among the postsecondary proprietary schools. These abuses have given the whole proprietary community a bad name and have weakened congressional support for loans and grants for postsecondary education.

I fear that the creation of vouchers and choice will encourage the unscrupulous to become involved in offering private elementary and secondary education. We will then be a long way from helping the local parochial school, and we will be enmeshed in regulating private education to avoid the potential for abuse.

I urge the House to vote down any voucher or choice proposal. Let us get about the business of improving education without these diversions.

The Neighborhood Schools Improvement Act will put us on the right path for improvement. School reform will be helped by this bill and I urge its adoption.

Mr. DEFAZIO. Mr. Chairman, I rise in strong support of the Neighborhood Schools Improvement Act. This legislation provides a sound framework for meaningful public school reform. I oppose any modifications to this bill that would in any way divert public funds to private schools or dilute the strong commitment to public education this bill fosters. A strong, equitable system of public education is the cornerstone of democracy.

This legislation complements State and local education reform initiatives already under way in Oregon. Increased flexibility with the use of Federal education funds will allow local school boards to improve public education on a school-by-school basis.

Oregon, and the country as a whole, will benefit greatly by passage of this important legislation.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 4323, the Neighborhood Schools Improvement Act, the bill which will serve as the foundation for the comprehensive educational reform that we so desperately need in this country today.

Earlier this year, the Educational Testing Service reported that, although top American schoolchildren can compete with the best students around the world, 90 percent of our students are learning below international averages in both math and science. Although this is never the kind of news we like to hear, it comes as no surprise to most of us. For years, our educators, parents, community leaders, and business people alike have all been mourning the state of America's educational system and the fact that our young adults lack the basic skills and training that they need to be productive workers in today's world.

Today, those of our young people who do not finish high school are qualified for about 40 percent of all available jobs. By the year 2000, it will drop to only 14 percent of what is out there in the job market. At the end of the decade, a high school graduate with no additional skills will not be able to compete. Educational reform in America is long overdue.

I have had numerous conversations with educators—not only from my district, but from throughout the State of California and the Nation—about what it is they need to do their jobs and do them well. During these talks, two themes in particular are repeated—resources and flexibility. They need the resources and the flexibility to get the results that we need and want—future generations of well-educated Americans. H.R. 4323 provides both, and more.

First, H.R. 4323 establishes a national education goals panel. The panel's job is to set voluntary national standards that describe what students should know and be able to do, and what resources schools should have in order to provide them with the education that they need. The panel is also charged with determining specific measures of success, as well as with issuing an annual report card to the Nation.

H.R. 4323 also authorizes a systemwide Neighborhood Schools Improvement Program, which will provide grants to States for education reform. This is the part of the bill that gives States both the resources and the flexibility to develop and execute their own educational plans. These plans must include goals to maximize the achievements of all children—not just a privileged few at selected schools—and must specify what children should know and be able to do in specific subjects. The plans must also provide for resource development—for the necessary tools to achieve the goals.

States are required to match proportionately greater amounts of their Federal funding for the 2d through the 10th year of the program. But, during the program's first year, there is no State matching requirement. Additionally, during the first year, States are not required to make any subgrants to local school districts. But, in all succeeding years, a State must pass on at least 75 per cent of its allotment, including its own State match, to school districts for support of their educational reform efforts.

School districts may then, in turn, support numerous programs, including, but not limited to, merit schools, early childhood, parental involvement, teacher and administrator training and development, and replicating and enhancing successful curricula and resources. One grant must be made to at least one school district in each congressional district, and the school district with the largest number of dis-

advantaged children in each State must receive a grant. H.R. 4323 also provides for the establishment of broadly representative local committees, comprised of heads of local governments, school superintendents, school board representatives, business representatives, teachers, parents, representatives of local colleges, and other citizens, to work in conjunction with the school boards on their educational plans.

There is also a 5-year demonstration project for the education of disadvantaged students. The project will permit some schools to temporarily suspend certain Federal and State laws in an effort to see if it makes it easier for these schools to educate these students without these added regulations.

H.R. 4323 provides a framework for change throughout the educational system. This framework is not supported by vague concepts and rhetoric, but by specific goals. It permits whole communities to become involved in the process and implementation. It gives States and school districts the direction and support that they need to do their jobs, and well as the room to operate freely. It produces results.

America's economic health depends on our ability to adequately educate all of our children. For this reason, Mr. Chairman, I especially want to applaud Chairman FORD and the committee for their action on this important legislation. In spite on the limited funds available, they have nonetheless brought us a results-oriented framework that we can build on as we work toward achieving this end. H.R. 4323 deserves our support.

Mr. EWING. Mr. Chairman, today we have the opportunity to take a step toward improving our educational system and improving the future of our children. In recent years, Congress and the President have authorized many task forces to study our educational system for ways to make improvements. As a result we have tried various new approaches, usually involving increased spending, which have resulted in few meaningful changes. However, many studies have shown that parental and community involvement in education must be increased before real improvements can be made.

The bill which is before us today, H.R. 4323, does not contain provisions which can encourage parental involvement and other basic changes to the current system. Rather, H.R. 4323 merely pumps increased Federal dollars into a failing system.

The Goodling substitute, which is the basis of an earlier compromise between Republicans and Democrats, would give States and local communities the ability to look for new and innovative ways to approach education and to strengthen cooperation between parents, teachers, and local communities. Any school, not just a select few, wishing to implement a reform program would be able to apply for exemption from current regulations which inhibit reform plans. We must allow our schools and teachers this flexibility, if we expect them to find new and better ways to educate their youngsters. In addition the substitute would create hundreds of break-the-mold new American schools, as well as world-class standards and a voluntary national examination system.

Already, 45 States have begun to adopt the President's America 2000 Program. It is time for Congress to follow the States' innovative lead and pass the Goodling substitute. We in Congress can no longer afford to be passive about the education of our young people. The United States is not a nation of mediocrity, but one of innovation and leadership. Instead of pouring more money into the same old system, let's try a new and innovative program.

Mr. EMERSON. Mr. Chairman, I am pleased to support the amendment offered by my fellow Missourian, Representative WHEAT, even though I have difficulty with the bill in its entirety. I am concerned with H.R. 4323, because I believe it is a continuation of business as usual in the field of education. We don't need business as usual; we need change. We need real reform, not cosmetic changes to the same old tired system that continues to fail. The Wheat amendment is a refreshing change of pace. This amendment will add the Parents as Teachers [PAT] Program to the education bill.

Initiated in Missouri, PAT has met with tremendous success in the 11 years that it has been operative. It is an innovation in education whose time has come. It is a program that teaches parents how to properly feed their children, and how to teach them to read, and in many cases teach the parents to read in the process. It promotes family togetherness and involves the parent more in the child's life. This is a program that recognizes that parental love is as natural as rain, but that parenting skills have to be learned. It is not expensive, and it works. PAT is a worthwhile investment in our children, and I thank my colleague, Mr. WHEAT, for offering this amendment.

I wish my enthusiasm for this bill was as strong as it is for PAT. Unfortunately, it is not. As my colleague from Alabama mentioned earlier in the debate, PAT is a rose among thorns. PAT is the type of change that is needed in our educational system.

Mr. MICHEL. Mr. Chairman, I rise in opposition to what the Democratic majority in this Congress is calling the Neighborhood Schools Improvement Act.

This bill does not contain any bold, new ideas to improve the education of our children. There is no plan to raise the academic standards in this Nation, or to provide real, systemic reform to ensure that the national education goals will be met by the year 2000.

Rather, this so-called improvement act provides more funding for the same old tired policies, administered by the same old bureaucracies that have left so many of our schools and our children in such dire straits.

For all Americans demanding change, I urge them to take a careful look at the President's America 2000 education reform proposal.

This proposal, which has been languishing before Congress for over 14 months, is predicated on four principles:

First, it seeks to create better and more accountable schools.

Second, it would establish New American Schools—a new generation of break-the-mold schools that truly meet the needs of today's students.

Third, it emphasizes universal adult literacy.

And, finally, it recognizes the need for more parental and community involvement in education reform.

After committee hearings on the President's America 2000 proposal, and an initial bipartisan bill reported by the Education and Labor Committee last October, the Democratic majority has once again decided to take the political route.

Completely disregarding the bipartisan agreement reached last year, the majority reported out a new bill in May that hardly has any resemblance to the President's original proposal.

Gone are the break-the-mold New American Schools to help spark innovation.

Gone are the world class standards and assessments to help meet and measure progress toward the national education goals.

Gone is the flexibility to use Federal funds and the relief from Federal education mandates on teachers and principals.

And gone is option for low- and mid-income children and their parents to select the school of their choice.

Congressman GOODLING will be offering an amendment which contains the elements of the bipartisan agreement we thought we had.

It contains the basic elements of the President's America 2000 proposals.

I will support the Goodling substitute.

It authorizes seed money for new American schools.

It allows schools in all 50 States to apply for waivers from the regulatory morass surrounding the $11 billion in Federal funding for elementary and secondary programs.

It recognizes the need to create a tough, but voluntary, system of standards and assessments.

And, it allows States and localities to decide for themselves whether to develop a choice program using Federal funds.

The Goodling substitute represents real change in the attitude toward education of our children. The majority's proposal is just a continuation of policies that have contributed to our crisis in education.

Mr. MAVROULES. Mr. Chairman, I would like to voice my support for H.R. 4323, the Neighborhood Schools Improvement Act. Recent reports from the Education Department clearly indicate the United States has been lagging behind other industrialized nations in terms of our commitment to education.

It is no coincidence that the economies of Japan and Germany have steadily grown since World War II and during that same time period they have made a serious commitment to education.

Although educating our children is undertaken by local authorities, the Federal Government also has a vital role to play in educating America's youth. In reporting H.R. 4323, the Education Committee noted that this legislation implements a reform strategy that encompasses the entire educational system. I agree with Chairman FORD that a coordinated reform effort at the national level and in every State is a much better approach than a fragmented endeavor.

The bill authorizes $800 million in fiscal year 1992, and such sums as may be necessary for each fiscal year through fiscal year 2001, for a program of grants to States to develop and implement plans to provide system-wide education reform. H.R. 4323 also establishes the National Education Goals Panel to oversee the development of voluntary national education standards, and a demonstration pro-

gram to test whether granting waivers of certain Federal and State regulations will improve student achievement.

Mr. Chairman, I support this legislation because it will benefit America's most valuable resource—our children.

Mr. GREEN of New York. Mr. Chairman, our task today is to enact legislation that will implement education reform. The goal is to improve the elementary and secondary schools of this country and in doing so, increase the educational achievements of our youth. One of the main themes in the debate over educational reform has been the issue of school choice—that States, local communities and parents are the best judges of what programs are needed and how they should be designed to best meet the needs of the students.

I find it ironic then, that the two amendments that are being offered as substitutes to the Neighborhood Schools Improvement Act, one by the gentleman from Texas [Mr. ARMEY] and the amendment of the gentleman from Pennsylvania [Mr. GOODLING], while offering varying approaches on choice, single out one issue for which there is to be no choice and no input from the local community and parents: The provision of contraceptives and abortion counseling to students. Those amendments explicitly state that no funds are to be spent by schools for birth control or abortion counseling.

In light of the increase in the teen pregnancy rate and the incidence of sexually transmitted diseases among teenagers, these provisions are inappropriate and shortsighted and I must vote against the amendments that contain them.

There is no doubt that the question of contraceptives and abortion is controversial. And there is no doubt that most of us would wish to see parental involvement in such significant matters. But there is also no doubt that the United States is experiencing a very troubling increase in the number of teen pregnancies and the incidence of sexually transmitted diseases [STD]. From 1970 to 1988, the number of out-of-wedlock births to teens jumped by 61 percent. Two-thirds of the births to teens occurred outside of marriage in 1988. Every year 2.5 million adolescents contract an STD. Adolescents have higher rates of gonorrhea and chlamydia than any other age group. Providing contraceptive advice and devices will not encourage sexual activity—sexual activity among teens already exists. In 1988, more than 25 percent of 15-year-olds surveyed by the U.S. Centers for Disease Control reported being sexually active.

The numbers on teen pregnancy and sexually transmitted diseases exist largely because Federal efforts to provide the necessary funding for family planning programs have been stymied over the past 12 years by the so-called right to life movement. We cannot continue down that path, especially on legislation that purports to remove the long arm of the Federal Government from matters best left to local communities, and I urge my colleagues to oppose the Armey and the Goodling amendments.

Mr. AUCOIN. Mr. Chairman, I urge the House's approval of the Neighborhood Schools Improvement Act. This important bill will bring new educational opportunities to students all over the country, and especially to economically disadvantaged young people.

In addition, by approving my educational flexibility amendment, we've further bolstered ongoing State school reform activities currently underway in Oregon and around the United States. I want to thank Chairman FORD and Subcommittee Chairman KILDEE for their terrific help on this amendment and their wisdom in understanding how important it is to students, parents, teachers, and administrators in States like my own. I'd also like to thank Mrs. UNSOELD of Washington, a member of the Education and Labor Committee, for her invaluable assistance.

I'll close by noting that the House has acted most wisely in turning down several school choice amendments. Mr. Chairman, the people of Oregon have made their position on this issue very clear by decisively defeating a school choice ballot measure in 1990. At a time when our public schools are financially strapped, how can we even think about helping to fund nonpublic institutions? The answer is simple. We can't. I'm glad my colleagues realized this.

Mr. PASTOR. Mr. Chairman, I rise in support of H.R. 4323, the Neighborhood Schools Improvement Act.

This is a good bill which will help to restructure and reinvigorate America's public schools.

Many schools in my district can benefit from extra Federal funds which reward systemic improvements to delivering education. I represent a large Hispanic community, as well as schools on Indian reservations. Money from this legislation could help to improve the high dropout rate, gang activities, bilingual education, and the special needs of school districts with significant numbers of minority students.

While I welcome the challenge for change, I strongly oppose any amendments that would divert scarce Federal funds toward private school choice. I deplore the use of public funds for private, sectarian schools not only on constitutional grounds but also for equity reasons. Private school choice robs Peter's necessary classroom materials in order to pay the luxury of Paul's elite private schooling.

Wealthy and middle-class families can choose to send their children to private or public schools. Unfortunately, the children left behind in public schools do not have the luxury. It would be cruel and unlawful to deny them access to equal educational opportunities.

H.R. 4323 provides the means and the motivation to improve our neighborhood schools.

Our children are hungry for change. The future of our Nation depends on their getting a good education. Let's pass this bill and give America's neighborhood schools the incentives for meaningful, systemic reforms in education. It's a good investment and a good solution to our educational crisis today.

Mr. HUGHES. Mr. Chairman, I rise in strong support of H.R. 4323, the Neighborhood Schools Improvement Act, and urge my colleagues to support this important piece of legislation.

Over the last 2 weeks our country has watched with great pride as young American athletes set new standards for Olympic competition through their sheer determination and high performance achievements. The Olympics have once again proven that Americans, when competing on a level playing field with their international counterparts, can achieve the same level of greatness and set new standards of excellence for the rest of the world to emulate.

And yet, American students do so poorly in the field of academic competition. Every year we have witnessed American students' academic scores slipping further and further toward the bottom of the field of industrialized nations. We cannot afford to sit back any longer and watch our students lose pace with the rest of the world.

Isn't it time we sent our students into competition well-prepared, energized, and posed for victory instead of defeat?

Due to the end of the cold war, we now have a tremendous opportunity to do just that by readjusting budget priorities and reinvesting in our education system. H.R. 4323 represents a firm commitment to our public education system and American students.

The Neighborhood Schools Improvement Act, will promote change in our public school system and facilitate the achievement of our national education goals by providing long overdue funding to our local school districts for a variety of program improvements and the development of innovative educational strategies.

Those who know best how to enhance the educational process—schoolteachers, principals, superintendents, and parents—will be the architects of this new effort.

As new programs and strategies are developed at the local level with the passage of H.R. 4323, the Federal Government can then assume a more appropriate role as a clearinghouse for information. Innovative ideas that have been successfully implemented locally in certain areas can be shared with other school districts across the country.

H.R. 4323 presents our best chance to raise American students from a last place finish to their rightful place of prominence among their international counterparts. And with a highly skilled, well-trained work force, America will remain competitive and prosper in the global marketplace.

It is so important that we make this commitment to education—nothing less than the future of this great Nation will depend upon our actions today. I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I rise in support of H.R. 4323, the Neighborhood Schools Improvement Act. I would like to commend subcommittee Chairman KILDEE for introducing this legislation that is so critical to the future of our country. I would also like to commend Chairman FORD for his continued hard work in improving the educational system.

This bill authorizes $800 million in fiscal 1992 for block grants to States for educational initiatives. In an overwhelming systemwide reform, all schools would benefit, not just select schools that already have the resources to educate effectively.

The core to reform of our educational system lies on the local and State level. H.R. 4323 requires a State panel to develop a comprehensive plan establishing goals to maximize achievement for all children. A similar

panel may also be formed on the local level. This initiative is an effective way to increase parental and community involvement in improving the overall educational environment.

H.R. 4323 requires the Department of Education, through the National Academy of Sciences, to evaluate the school delivery standards and to assess and make recommendations in an interim report. Our students are falling behind students in almost every industrial country in the areas of science and mathematics. In order to allow our students to compete for the emerging technological jobs, we need to reform the current system.

It is important to note that this bill does not endorse the administration's proposal to allow parents to choose a private school using a public voucher. My view is that it would be a devastating blow to our public school system to direct public moneys for private education. This would simply allow private schools to siphon off the best and the brightest from the public system.

H.R. 4323 takes a significant step forward in reforming our educational system and I strongly support its passage.

Mr. LEWIS of Florida. Mr. Chairman, it is unfortunate that H.R. 4323, the Neighborhood Schools Improvement Act, is being promoted by the majority on the Education and Labor Committee as an education reform bill. It is not.

H.R. 4323 simply funnels more Federal money into the existing education system, without providing the necessary flexibility for real reform of our schools. The bill does not include school choice as an acceptable option for reform. It provides very little flexibility to schools and communities to try new approaches to education. It does not provide a separate authorization for the New American Schools Program, which would fund a new generation of schools using innovative approaches.

It makes no sense to pour millions more Federal dollars into a system that needs repair. Without fundamental reform, our schools cannot achieve the ambitious goals established by the Governors and President Bush. Therefore, I must oppose H.R. 4323.

Mr. BALLENGER. Mr. Chairman, President Bush has worked diligently to fulfill his role as the education President, but to no avail. This Congress has repeatedly blocked his efforts to reform and improve the failing education system. As a part of his America 2000 strategy, the President, along with the Nation's Governors, developed six national education goals that would serve as the proper object of genuine reform. In response to his efforts, the Democrats are offering the Ford bill (H.R. 4323) which flies in the face of the national education goals, as well as all attempts to effect true education reform.

The Democrats who support the Ford bill, claim it to be a vehicle of reform and change. On the contrary, it would perpetuate the status quo by calling for a $700 million Federal block grant program to be spent by the education bureaucracy, with virtually no sending guidelines, no reform requirements, and zero accountability to parents. In fact, Education and Labor Committee Chairman FORD said the bill is "all cliches and show business. It's not going to revolutionize anything."

The death grip had by the National Education Association over school boards and public schools has crowded out the voices of parents on how to educate their children. Because teachers' unions have no accountability to parents, children, and the very Congress that funds their machine, they have no incentive to change. Change is the word that keeps popping up in political discussions throughout our country. Change was the word on the lips of every Democrat during their recent convention.

Mr. Chairman, if the Democrats are truly in favor of change, they would vote against the Ford bill and vote for the Armey amendment. The Armey amendment is based on the principle that parents care, more than anyone, about their children's education. It incorporates the important element of community involvement. It acknowledges the long-range fact that massive Federal spending has very little to do with school quality.

I support the Armey amendment's attempt to return H.R. 4323 to the original objectives of the President. I embrace the inclusion of real school choice for private, parochial, and public schools. The Armey amendment earmarks 25 percent of program funds for school choice. I recognize the wisdom in elevating the role of the Governor in education. The Armey amendment would place the Governor at the helm of education by appointing him the statutory chairman of the statewide panel, with the authority to appoint seven of the statutory members. By giving the Secretary of Education the authority to deny grants based upon his determination that the funds are being used for other than promoting reform in education, the Armey amendment establishes an important structure of accountability for those receiving Federal funds. In keeping with the President's goals, the Armey amendment allows only activities that would create real school reform: school choice, site-based management emphasizing alternative certification, merit testing, New American Schools, and language from the Hatch amendment ensuring that parental rights are protected.

In addition to the Armey amendment, I support the Goodling substitute which incorporates the President's ideas to revolutionize education by helping to create thousands of break-the-mold schools, world-class standards and a voluntary national examination system, giving teachers and principals more flexibility in the spending of Federal money, and allowing States and localities to provide middle- and low-income families with more choices of all schools.

Mr. Chairman, time is running short. Our failing education system is producing a generation of children who will be unable to compete in this rapidly changing, global society. To simply pour more money into the coffers of the education bureaucracy is not the answer. To continue funding the status quo, which is observably failing, is unjustifiable. The American people are relying on this Congress to pass an education bill that will truly bring about the education reform so desperately needed. I urge my colleagues to vote "yes" on the Armey amendment, "yes" on the Goodling substitute, and "no" on the Ford bill.

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, modified by the amendments printed in section 2 of House Resolution 551, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 4323

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

TITLE I—COMPREHENSIVE RESTRUCTURING

SECTION 101. COMPREHENSIVE RESTRUCTURING.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as 10001 through 10005; and

(2) by inserting after title VII the following:

"TITLE VIII—RESTRUCTURING PROGRAM

"PART A—NATIONAL EDUCATION STANDARDS AND ASSESSMENT

"SECTION 8001. SHORT TITLE.

"This part may be cited as the 'National Education Standards and Assessment Act of 1992'.

"SEC. 8002. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) the establishment of voluntary national standards is an important, complex, and sensitive task and any coordinating structure for this purpose must be bipartisan, engage government at all levels, and involve the many constituencies that have an established interest in improving education;

"(2) much work in the area of developing standards has already begun and the national effort should benefit from and not attempt to duplicate quality efforts proposed by existing Federal and non-Federal entities; and

"(3) a coordinating structure should maintain the tradition of State and local authority over education and become part of a cooperative national effort.

"(b) PURPOSES.—The purposes of this part are

"(1) to advance the establishment of national education content standards and to raise the academic performance of students and schools throughout the Nation; and

"(2) to provide funds for the development of school delivery standards and for further research and development on assessment to measure the progress of the Nation in meeting national education goals and standards.

"SEC. 8003. NATIONAL EDUCATION GOALS PANEL.

"(a) ESTABLISHMENT.—There is established a National Education Goals Panel (referred to in this part as the 'Panel').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Panel shall be composed of 14 members (referred to in this part as 'members'), including—

"(A) two members appointed by the President;

"(B) eight members who are Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with each appointing representatives of his respective political party, in consultation with each other and in accordance with paragraph (2); and

"(C) four Members of Congress appointed as follows:

"(i) One member appointed by the majority leader of the Senate from among the Members of the Senate.

"(ii) One member appointed by the minority leader of the Senate from among the Members of the Senate.

"(iii) One member appointed by the majority leader of the House of Representatives from among the Members of the House of Representatives.

"(iv) One member appointed by the minority leader of the House of Representatives from among the Members of the House of Representatives.

"(2) SPECIAL APPOINTMENT RULES.—(A) The members appointed pursuant to paragraph (1)(B) shall be appointed as follows:

"(i) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals pursuant to such paragraph and the Vice Chairperson shall appoint 5 individuals pursuant to such paragraph.

"(ii) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals pursuant to such paragraph and the Vice Chairperson shall appoint 3 individuals pursuant to such paragraph.

"(B) If the National Governors' Association has appointed a panel that meets the requirements of this subsection prior to the date of enactment of this title, then the members serving on such panel shall be deemed to be in compliance with the provisions of this subsection and shall not be required to be reappointed pursuant to this subsection.

"(c) TERMS.—The terms of service of members shall be as follows:

"(1) EXECUTIVE BRANCH.—Members appointed under paragraph (1)(A) shall serve at the pleasure of the President.

"(2) GOVERNORS.—Members appointed under paragraph (1)(B) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such terms of members concluding every two years.

"(3) MEMBERS OF CONGRESS.—Members appointed under paragraph (1)(C) shall serve a term of four years.

"(d) INITIATION.—The Panel may begin to carry out the duties of the Panel under this part when ten members of the Panel have been appointed.

"(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this title.

"(f) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

"(g) TRAVEL.—Each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(h) CHAIRPERSON SELECTION.—

"(1) INITIAL SELECTION.—The members appointed under subsection (b)(2) shall select a Chairperson from among such members, except that after the expiration of the term of the member selected under this paragraph to serve as Chairperson as of October 1, 1992, or upon the termination of the tenure of such Chairperson, whichever is earlier, a majority of the members of the Council shall select the Chairperson from among the members.

"(2) CONTINGENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council 60 days after the date of the enactment of this title, a majority of the members shall select a Chairperson from among the members.

"SEC. 8004. FUNCTIONS.

"(a) FUNCTIONS.—The Panel shall accomplish the following:

"(1) INTERACTIVE PROCESS.—Establish an interactive process for the development of national content standards and national school delivery standards which, to the greatest extent feasible, reflect the comments and recommendations of educators and other knowledgeable individuals across the Nation.

"(2) RECOMMENDATIONS.—Make recommendations to the Secretary regarding the selection of groups and organizations for grants to develop national content standards, national school delivery standards, and model assessments of the national content standards for mathematics.

"(3) CERTIFICATION.—Certify, after review by the technical review committee established under section 8005, the voluntary national standards submitted by the groups under sections 8011(c) and 8012(c).

"(4) EVALUATION.—Propose the indicators to be used to measure the national education goals and report progress in achieving such goals, the baselines and benchmarks against which progress may be evaluated, and the format for an annual report card to the Nation under section 8006.

"(5) MEASUREMENT.—Select interim and final measures and appropriate measurement tools to be developed as necessary in each goal area.

"(6) DATA.—Assure, through requirements for State reports, that data on student achievement is reported in the context of other relevant information about student, school, and system performance.

"(7) REPORT CARD.—Issue an annual report card that—

"(A) reports on the Federal actions taken to fulfill responsibilities to education;

"(B) identifies gaps in existing educational data;

"(C) recommends improvements in the methods and procedures for assessments; and

"(D) proposes changes in national and international measurement systems.

"(b) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Panel shall operate on the principle of consensus.

"(c) DATA COLLECTION.—The Panel shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to appropriately assess progress toward meeting the national education goals.

"SEC. 8005. REVIEW COMMITTEE.

"(a) COMMITTEE ESTABLISHED.—

"(1) COMMITTEE MEMBERSHIP.—The Panel shall establish a technical review committee (referred to in this part as the 'Committee') of not more than 16 members who shall advise and assist the Panel in carrying out its functions under section 8004(a).

"(2) PUBLIC NOMINATION.—In appointing individuals to serve on the committee, the Panel shall solicit and consider nominations made by the public.

"(3) COMMITTEE COMPOSITION.—The committee shall be composed of—

"(A) 8 educators, including individuals with expertise regarding standards and assessment; and

"(B) 8 members of the public, including individuals who represent parents, business, civil rights advocates, child advocates, and State and local public officials.

"(b) COMMITTEE REVIEW.—

"(1) REVIEW OF STANDARDS.—After the development of each set of national content standards under section 8011 and school delivery standards under section 8012, the committee shall review such standards to determine if such standards—

"(A) are developed consistently with the process established by the Panel under section 8004(a)(1);

"(B) are sufficiently general to be adopted by any State; and

"(C) are of high quality.

"(2) COMMITTEE RECOMMENDATION.—The committee shall report its determination to the Panel regarding whether such standards should be certified by the Panel.

"SEC. 8006. ANNUAL REPORT CARD.

"(a) IN GENERAL.—The Panel shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a national report card, that shall include the following:

"(1) ANALYSIS.—An analysis of the progress of the United States toward achieving the national education goals.

"(2) COMMENTS AND RECOMMENDATIONS.—Comments and recommendations of—

"(A) Federal and State policymakers;

"(B) experts on teaching and child development;

"(C) experts on measurements;

"(D) experts on curriculum;

"(E) experts on educational administration; and

"(F) representatives of business.

"(3) IDENTIFICATION AND IMPROVEMENT.—Based on the findings of the Panel and an analysis of the views and comments of all interested parties, the Panel may identify continuing gaps in existing educational data.

"(b) CONTINUATION.—The Panel shall continue to issue a national report card on an annual basis for the duration of the existence of the Panel.

"(c) FORMAT.—National report cards shall be presented in a form that is understandable to parents and the general public.

"(d) LIMITATION.—National report cards may not include data using the achievement goals established under section 406(i)(6)(A)(ii) of the General Education Provisions Act unless such goals have been reviewed and approved by the Commissioner of the National Center for Education Statistics.

"SEC. 8007. POWERS OF THE PANEL.

"(a) HEARINGS.—

"(1) IN GENERAL.—The Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Panel considers appropriate.

"(2) PUBLIC HEARINGS.—In carrying out this part, the Panel shall conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the functions of the Panel described in section 8004(a).

"(b) INFORMATION.—The Panel may secure directly from any department or agency of the United States, information necessary to enable the Panel to carry out this part. Upon request of the Chairperson of the Panel, the head of a department or agency shall furnish such information to the Panel to the extent permitted by law.

"(c) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

"(d) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary of Education shall provide to the Panel, on a reimbursable basis, administrative support services as the Panel may request.

"SEC. 8008. ADMINISTRATIVE PROVISIONS.

"(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Panel or a majority of its members.

"(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

"(c) VOTING.—No individual may vote or exercise any of the powers of a member by proxy.

"(d) FEDERAL ADVISORY COMMITTEE ACT.—Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections

of such Act that shall apply with respect to the Panel and the technical review committee.

"SEC. 8009. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

"(a) DIRECTOR.—The Chairperson of the Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

"(b) APPOINTMENT AND PAY OF STAFF.—

"(1) COMPETITIVE SERVICE.—The Chairperson of the Panel may appoint personnel as the Chairperson considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

"(2) PAY RATES.—The staff of the Panel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the rate of basic pay payable for GS-15 of the General Schedule.

"(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services of experts and consultants under section 3019(b) of title 5, United States Code.

"(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Panel to assist the Panel in its duties under this part.

"SEC. 8010. AUTHORITY FOR GRANT OR CONTRACT.

"The Secretary shall make grants to provide for the following:

"(1) OPERATION.—The operation and activities of the Panel.

"(2) CONTENT DEVELOPMENT.—The development of national content standards.

"(3) SCHOOL DELIVERY STANDARDS DEVELOPMENT.—The development of national school delivery standards.

"SEC. 8011. NATIONAL CONTENT STANDARDS.

"(a) DEVELOPMENT OF CONTENT STANDARDS.—The Panel shall establish the process by which content standards shall be developed. Such process shall provide for several consecutive drafts of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation.

"(b) GRANTS FOR CONTENT STANDARDS.—

"(1) GRANT RECOMMENDATIONS.—The Panel shall make recommendations to the Secretary regarding the selection of groups and organizations representing teachers and other practitioners in a broad range of academic subject areas, including mathematics, English, science, history, and geography, to receive grants to develop content standards in accordance with the process required under subsection (a).

"(2) TIME AND CONDITIONS.—In making recommendations to the Secretary, the Panel shall propose time periods and other conditions for such grants that will ensure that the process under subsection (a) can be followed.

"(3) GRANT DENIAL.—The Secretary may decline to make a grant only if such grant violates a provision of law or the general administrative regulations of the Department which govern the making of grants.

"(c) CONTENT STANDARDS RATIFICATION.—Following the development of a set of such standards, the developing organization shall organize a meeting of its members, review the standards, and by formal action ratify that such standards are of high quality and meet the following requirements:

"(1) BEST EVIDENCE.—Such standards reflect the best evidence available regarding the knowledge and skills that students should acquire in the academic subject area of such standards.

"(2) CHALLENGE.—Such standards are sufficiently challenging to ensure that American students receive instruction at world-class levels.

"(d) CONTENT STANDARDS CERTIFICATION.—

"(1) PROCESS CONFORMANCE.—After ratification of a set of standards under subsection (c), the Panel shall review the process by which such standards were developed and consult with the Committee established under section 8005 to determine and certify conformance with the process established under subsection (a).

"(2) CERTIFICATION REPORT.—The Panel shall submit to the Congress, the President, and the public a report regarding such certified content standards not later than December 31, 1994.

"SEC. 8012. SCHOOL DELIVERY STANDARDS.

"(a) DEVELOPMENT OF SCHOOL DELIVERY STANDARDS.—The Panel shall establish the process by which school delivery standards shall be developed. Such process shall provide for several consecutive drafts of standards which incorporate the comments and recommendations of educators and other knowledgeable individuals across the Nation.

"(b) GRANTS FOR SCHOOL DELIVERY STANDARDS.—

"(1) SELECTION.—The Panel shall make a recommendation to the Secretary regarding the selection of a consortium of individuals and organizations to receive a grant to develop school delivery standards. To the extent possible, such consortium shall include the participation of—

"(A) Governors (except Governors serving on the Panel);

"(B) chief State school officers;

"(C) teachers (especially teachers involved in the development of content standards);

"(D) principals;

"(E) superintendents;

"(F) State and local school board members;

"(G) parents;

"(H) State legislators;

"(I) representatives of businesses;

"(J) representatives of regional accrediting associations;

"(K) representatives of federally funded entities referred to in clauses (i) and (ii) of section 405(d)(4)(A) of the General Education Provisions Act; and

"(L) civil rights groups and organizations (including those associated with the rights of individuals with disabilities).

"(2) TIME AND CONDITIONS.—In making a recommendation to the Secretary, the Panel shall propose a time period and other conditions for such grant that shall ensure that the process established under subsection (a) may be followed.

"(3) GRANT DENIAL.—The Secretary may decline to make a grant only if such grant would violate a provision of law or the general administrative regulations of the Department which govern the making of grants.

"(c) SCHOOL DELIVERY STANDARDS RATIFICATION.—After developing such school delivery standards, the consortium shall convene a meeting to review and ratify that such standards meet the following requirements:

"(1) STATE ADOPTION.—The standards are sufficiently generic to be adopted for use in any State without unduly restricting State and local prerogatives regarding the instructional methods to be employed.

"(2) FAIR OPPORTUNITY.—The standards are likely, if properly implemented, to ensure that each student in a school has a fair opportunity to achieve the knowledge and skills set out in the national content standards and the work force readiness standards under title IX.

"(d) SCHOOL DELIVERY STANDARDS CERTIFICATION.—

"(1) PROCESS CONFORMANCE.—After ratification of a set of standards under subsection (c), the Panel shall review the process by which such standards were developed and consult with the Committee established under section 8005 to determine and certify that such standards are of high quality and that they conform with the process established under subsection (a).

"(2) CERTIFICATION REPORT.—The Panel shall submit to the Congress, the President, and the public a report containing such certified school delivery standards not later than December 31, 1994.

"SEC. 8013. GENERAL PROVISIONS RELATING TO STANDARDS.

"(a) CONTINUED REVIEW.—The Panel shall periodically (not more than once every 3 years) review national content standards to determine whether such standards continue to reflect the best evidence available regarding what children should know.

"(b) NO INFLUENCE.—Nothing in this part shall be construed to permit the Secretary to prescribe or influence the content of particular standards.

"SEC. 8014. ASSESSMENT.

"While taking into consideration the existing research on assessment that the Office of Educational Research and Improvement is addressing, the Panel shall make recommendations to the Secretary regarding such research on authentic assessment which such Office should undertake.

"SEC. 8015. EVALUATION AND REPORTS.

"(a) EVALUATION.—The Secretary shall, through the National Academy of Sciences, conduct an evaluation and issue reports that include the following:

"(1) EVALUATION REPORT.—An evaluation of the effectiveness of—

"(A) school delivery standards described in section 8012(c)(2);

"(B) research on authentic assessment conducted by the Office of Educational Research and Improvement; and

"(C) the model assessments for national content standards for mathematics.

"(2) RECOMMENDATIONS.—Recommendations regarding the need for additional criteria to determine the validity, reliability, and fairness of assessments;

"(3) CRITERIA.—Criteria for evaluating—

"(A) whether assessments are substantially aligned to the national content standards; and

"(B) the sufficiency of evidence regarding the technical quality of an assessment in relation to its intended use.

"(b) REPORTS.—

"(1) INTERIM REPORT.—The National Academy of Sciences shall submit to the Congress, Secretary of Education, and the public an interim report regarding the material described in subsection (a) not later than December 31, 1993.

"(2) FINAL REPORT.—The National Academy of Sciences shall submit to the Congress, Secretary of Education, and the public a final report regarding the material described in subsection (a) not later than December 31, 1994.

"SEC. 8016. DEFINITIONS.

"For purposes of this title—

"(1) the term 'content standards' means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level;

"(2) the term 'school delivery standards' means the standards necessary to ensure that each student in a school has a fair opportunity to achieve the knowledge and skills set out in the national content standards and work force readiness standards including evidence that—

"(A) the school has formally adopted curriculum reflecting the national content standards;

"(B) the curriculum is being taught in the classroom;

"(C) teachers understand the curriculum and are able to teach it;

"(D) teachers and students have access to curricular materials (textbooks, instructional materials) that are necessary for mastery of the standards;

"(E) the school has instructional methods and policies in place to promote mastery of the content standards by all students (including no tracking, policies to help children stay in school, fair and equitable discipline policies, and appropriate policies concerning crime, violence, and drug use);

"(F) school administrators are well prepared; and

"(G) the school facilities have the requisite libraries and laboratories necessary to provide an opportunity to learn.

"SEC. 8017. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION FOR PANEL.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1992 through 1996 for grants to the National Education Goals Panel established under section 8003 to carry out its duties under this part.

"(b) AUTHORIZATION FOR EVALUATIONS AND REPORTS.—There are authorized to be appropriated $2,000,000 for fiscal years 1992 through 1996 for the National Academy of Sciences to carry out section 8015.

"(c) AUTHORIZATION FOR NATIONAL CONTENT STANDARDS.—There are authorized to be appropriated $10,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 1996 to carry out section 8011.

"(d) AUTHORIZATION FOR NATIONAL SCHOOL DELIVERY STANDARDS.—There are authorized to be appropriated a total of $5,000,000 for the fiscal years 1992 and 1993 to carry out section 8012.

"PART B—NEIGHBORHOOD SCHOOLS IMPROVEMENT

"SEC. 8101. SHORT TITLE.

"This part may be cited as the 'Neighborhood Schools Improvement Act'.

"SEC. 8102. CONGRESSIONAL FINDINGS.

"The Congress finds that—

"(1) all students can learn and must realize their potential if the United States is to prosper;

"(2) the reforms in education of the last 15 years have achieved good results, but these efforts often have been limited to a few schools or to a single part of the educational system;

"(3) additional pilot projects will have the same limited effect as previous reforms and isolated changes in policy will most likely have minimal impact;

"(4) strategies must be developed by States and communities to support the revitalization of all local schools by fundamentally changing the entire system of education through comprehensive, coherent, and coordinated improvement while recognizing the diverse cultural and language backgrounds and learning abilities of students;

"(5) parents, teachers and other local educators, and community leaders must be involved in developing system-wide reform strategies that reflect the needs of their individual communities;

"(6) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide reform strategies if the Nation is to educate all children to meet their full potential and achieve national goals;

"(7) increasing funding for existing Federal education programs at levels that will enable them to fulfill their mission is a critical part of assisting States and local educational agencies in their school improvement efforts; and

"(8) additional Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing system-wide reform plans.

"SEC. 8103. PURPOSE.

"It is the purpose of this part to raise the quality of education for all students by supporting a 10-year broad based public effort to promote coherent and coordinated changes in the system of education throughout the Nation at the State and local levels without jeopardizing funding for existing Federal education programs.

"SEC. 8104. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with the provisions of this part, to make grants to State educational agencies to enable States and local educational agencies to reform and improve the quality of education throughout the Nation. Such grants shall be used to—

"(1) develop innovative educational reform plans, which include State achievement goals, a means for developing or adopting high quality, challenging curricular frameworks and coordinated curricular materials, professional development strategies, and assessments; and

"(2) implement reforms and plans to improve the education system at the State and local levels.

"SEC. 8105. APPLICATION.

"(a) IN GENERAL.—If a State desires to receive assistance under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall cover a 5-year period.

"(b) CONSIDERATION OF APPLICATIONS.—Each such application shall—

"(1) contain satisfactory evidence that the State educational agency has or will have authority, by legislation if necessary, to implement the plan required under section 8106;

"(2) provide an assurance that the State has a strategy for ensuring broad participation in the planning process, including parents, students, teachers, principals, superintendents, local school board members, representatives of businesses with an interest in educational improvement, representatives of rehabilitation organizations, representatives of the employment and training network (including the vocational education system), the deans of colleges of education, representatives of community-based organizations, testing and curriculum experts, the director of the State office responsible for teacher certification, and the director of the State human services agency, to establish the goals and to refine them in the future, as well as participate in the development of all other components of the plan;

"(3) provide an assurance that the State will notify the public (including individuals with limited English proficiency), through print and electronic media (and other accessible formats) and notice to each local educational agency—

"(A) that the State has made application for funds under this part;

"(B) of the purposes for which the funds will be used; and

"(C) that the State is developing a plan under section 8106;

"(4) provide an assurance that all students will have equal access to the curricular frameworks, high quality curricular materials, and well-qualified teachers;

"(5) describe actions taken and resources identified or committed to meet the requirements of this title;

"(6) provide an assurance that the applicant will prepare and submit to the Secretary, annual evaluations of and reports concerning the State program; and

"(7) provide an assurance that the State will carry out the provisions of section 8106.

"(c) APPROVAL.—The Secretary shall approve an application and any amendment to the application if the application or the amendment to such application meets the requirements of this section and is of sufficient quality to meet the objectives of this part. The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REAPPLICATION.—(1) A State educational agency may apply for assistance for a second 5-year period and such application shall be approved by the Secretary if the State—

"(A) has met all of its reporting requirements; and

"(B) demonstrates that it has made reasonable progress in carrying out its plan.

"(2) The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"SEC. 8106. DEVELOPMENT AND APPROVAL OF STATE PLAN.

"(a) ESTABLISHMENT OF PANEL.—Each State program assisted under this title shall establish a panel to develop a statewide reform plan. Such panel shall consist of—

"(1) the chief executive of the State (or designee);

"(2) the presiding officers and the minority leaders of the State legislature (or designees);

"(3) the chief State school officer;

"(4) the head of the office that coordinates higher education programs in the State or, if there is no such office, the head of the office designated under section 2008 of the Dwight D. Eisenhower Mathematics and Science Education Act (20 U.S.C. 2988) (or designee);

"(5) except in the case of a State with a single local educational agency, an individual nominated by representatives of local educational agencies that comprise between 5 to 10 percent of the local educational agencies in the State with the lowest average per pupil expenditures; and

"(6) individuals nominated by State organizations representing each of the following:

"(A) Teachers.

"(B) School administrators.

"(C) Local school boards.

"(D) Parents.

"(E) Businesses.

"(F) State board of education.

"(G) Students.

"(b) ADDITIONAL MEMBERS.—(1) The first meeting of such panel shall be convened by the chief State school officer. At such meeting, the panel members designated and nominated in subsection (a) shall select additional panel members, including—

"(A) the chairpersons of the State legislative committees with jurisdiction over education;

"(B) director of the parent training and information center (for children with disabilities);

"(C) individuals reflecting the ethnic and racial diversity of the general population of the State; and

"(D) (except in the case of a State with a single local educational agency) an individual nominated by representatives of the 5 local educational agencies with the highest number of students eligible for services under part A of chapter 1 of title I of this Act.

"(2) The membership of the panel shall—

"(A) be geographically representative of all areas of the State;

"(B) reflect the racial and ethnic diversity of the population of the State; and

"(C) not exceed 25 in number.

"(3) Following the selection of additional members, the chief State school officer shall convene a meeting of the full panel to establish procedures regarding the operation of subsequent meetings, including the designation of a panel chairperson, consistent with applicable State law.

"(c) DEVELOPMENT OF STATE PLAN.—(1) The panel shall develop a plan that—

"(A) establishes State goals to maximize achievement for all children in conjunction with national educational goals;

"(B) establishes curricular frameworks in specific subject matter areas that incorporate the goals established under subparagraph (A) consistent with requirements of Federal law;

"(C) provides for the adoption of school delivery standards;

"(D) provides for the development or adoption of instructional materials to assist the implementation of the curricular frameworks consistent with requirements of Federal law;

"(E) allocates resources to implement such a system-wide reform plan;

"(F) provides for the establishment or adoption of a valid, reliable, and fair assessment system based upon the curricular frameworks that is capable of accurately measuring the skills and knowledge required to meet State goals;

"(G) provides for professional development strategies necessary for achieving the State goals;

"(H) establishes a process for reviewing Federal, State, and local laws and regulations and for recommending changes in such laws and regulations to further state-wide reform;

"(I) provides a process for selecting local educational agencies for participation in local system-wide reform efforts;

"(J) provides for the development of objective criteria and measures against which the success of local plans can be evaluated;

"(K) provides for the ongoing evaluation of the effectiveness of the State plan in closing the gap between high and under-achieving students to be assessed using achievement and other measures such as attendance, grade retention, and dropout rates;

"(L) provides for the availability of curricular frameworks, curricular materials, and professional development in a manner ensuring equal access by all local educational agencies in the State;

"(M) provides for a thorough review of the State's school finance program, focusing on the adequacy of, and disparities in, the financial resources available to each local educational agency, and how such disparity affects the ability of the State educational agency and local educational agencies to develop and implement reform activities consistent with this part;

"(N) describes the steps the State educational agency shall take to ensure that successful programs and practices supported by subgrants awarded to local educational agencies under this part shall be disseminated to other local educational agencies in the State;

"(O) provides for the development of an adequate research, training, and evaluation capacity within the State to further the purposes of this part;

"(P) describes methods of coordinating health, rehabilitation, and social services with education through State interagency cooperation and agreements;

"(Q) provide for the dissemination of information on curricular frameworks and supportive services for students with disabilities to enable such students to participate;

"(R) describes the steps the State educational agency shall take to provide remedial assistance to students, schools, and local educational agencies that are identified through the assessment system under subparagraph (E) as having a need for such assistance; and

"(S) provides for the development of a strategy to coordinate the use and integration of technology in schools throughout the State for the purposes of instruction (including approaches such as live interactive distance learning), implementation of the plan, and training of parents, teachers, and administrators.

"(2) In developing the plan, the panel shall—

"(A) emphasize outcome measures rather than prescribe how the State and local educational agencies should achieve such outcomes;

"(B) review recent innovations by other States and by national professional organizations with expertise in educational goals, curricula, and assessment;

"(C) review existing Federal education programs and how they can contribute to the State plan; and

"(D) ensure broad-based participation through regular notice and dissemination of information to the public (including individuals with limited English proficiency) using print and electronic media and other accessible formats.

"(3) The panel in developing the plan, shall solicit and consider the views and recommendations of persons having knowledge of the needs of students with disabilities, including parents, students, and special education teachers and administrators.

"(4) Following the development of the plan, the panel shall seek public comment by—

"(A) publishing the plan with a comment period of at least 60 days, or

"(B) notifying the public (including individuals with limited English proficiency) through electronic and print media (and other accessible formats) and by conducting regional hearings.

After providing the public with an opportunity to comment on the plan, the panel shall consider the public comments and make appropriate changes.

"(5) The plan shall be submitted to the State for review and approval by the State educational agency, except that any changes to such plan shall be made with the concurrence of the panel. Prior to implementing the plan, the State educational agency shall submit such plan to the Secretary for approval. In the event that the State has previously accomplished any of the reform activities required under this part in a specific subject area or set of grade levels, the State is not required to include them in the plan but shall include a request for a waiver, including a description of such accomplishments.

"(6)(A) The Secretary shall approve a State's plan if such plan—

"(i) meets the requirements of this section; and

"(ii) provides evidence that the State has, or will have, the resources necessary to carry it out.

"(B) The Secretary shall not finally disapprove a plan or an amendment to such plan except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REVIEW OF STATE PLAN.—The panel and the State educational agency shall review on an ongoing basis, the implementation of the State plan for the period during which the State receives funding under this part. The results of such review shall be prepared in writing by the panel and included by the State in its annual report to the Secretary under section 8113(a).

"SEC. 8107. STATE USES OF FUNDS.

"(a) USES OF FUNDS.—Funds allotted by the Secretary under section 8111(a)(2) and State and private funds contributed to make up the total cost of a State program as provided in section 8111(b) shall be used by a State with an approved application for the—

"(1) development and implementation of the State plan, including the establishment of State goals, curricular frameworks, school delivery standards, and assessment systems;

"(2) activities of the panel (including the travel expenses of the members of such panel);

"(3) subgrants to local educational agencies;

"(4) technical assistance (including dissemination of information) to local educational agencies to assist in developing and carrying out their plans; and

"(5) evaluation, reporting, and data collection.

"(b) LOCAL EDUCATIONAL AGENCIES.—In the first year that a State receives an allotment under this part, the State educational agency may make subgrants for the purpose of developing local plans as provided in section 8108 consistent with section 8106(c)(1)(I). In the second year, and in each succeeding year, from not less than 75 percent of the total cost of a State's program, the State educational agency shall make subgrants to local educational agencies which shall include—

"(1) at least one subgrant to a local educational agency in each congressional district; and

"(2) a subgrant to the local educational agency with the greatest number of disadvantaged children in the State.

"(c) SPECIAL PROVISION.—Funds available under section 8111 shall be used to carry out the plan in a manner which ensures that all children, especially those identified through the assessment process (using achievement and other measures) as not achieving satisfactorily, are afforded ample opportunity to reach individual, local, State, and national goals.

"SEC. 8108. DEVELOPMENT AND APPROVAL OF LOCAL PLANS.

"(a) LOCAL COMMITTEE.—(1) A local educational agency which desires to receive a subgrant under this section shall establish a committee comprised of—

"(A) the chief elected officer of the unit of general purpose local government with boundaries which are most closely aligned with the geographic boundaries of the local educational agency;

"(B) the superintendent of the local educational agency;

"(C) a representative nominated by the local school board;

"(D) a representative nominated by a local teacher association;

"(E) the director of special education of the local educational agency;

"(F) a representative nominated by an influential business association with business members that have an interest in educational improvement and operate in a geographic area that is most closely aligned with the local educational agency;

"(G) a representative nominated by the parents of children served by part A of chapter 1 of title I of this Act; and

"(H) the elected head of a district-wide student organization, if one exists.

"(2)(A) The first meeting of such committee shall be convened by the superintendent to enable the committee members designated and selected in paragraph (1) to select additional members including—

"(i) parents of students in elementary, middle, and secondary schools;

"(ii) a representative nominated by parents of children served under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(iii) representatives of community-based organizations;

"(iv) members of the general public with a strong interest in education;

"(v) principals;

"(vi) teachers;

"(vii) school counselors, psychologists, and social workers;

"(viii) curriculum, testing, and evaluation supervisors; and

"(ix) a representative of a local higher education institution.

"(B) The total number of committee members may not exceed 30 and shall reflect the racial and ethnic diversity of the geographical area served by the local educational agency.

"(3) Following the selection of the additional members, the superintendent shall convene a

meeting of the full committee to establish procedures regarding the operation of subsequent meetings, including the designation of a committee chairperson, consistent with applicable State and local law.

"(4) Each meeting of such committee shall be open to the public and accessible to individuals with disabilities.

"(5) The committee shall develop the local plan described in subsection (b).

"(6) A local educational agency which has established a district-wide reform committee pursuant to State law may add members and responsibilities to such committee to satisfy the requirements of this section.

"(b) LOCAL PLAN.—(1) As described in the State reform plan, and consistent with the recommendations of the panel established under section 8106, the State shall make subgrants to local educational agencies. Each subgrant shall be of a sufficient amount to develop or implement a locally developed plan which—

"(A) is formally approved by the local educational agency;

"(B) describes a process to ensure broad-based community participation in the development of the local plan, including parents, students, teachers, principals, representatives of rehabilitation organizations, representatives of the employment and training network, representatives of local business associations, and representatives of community-based organizations;

"(C) provides assurance that the local educational agency shall provide for an ongoing evaluation of the effectiveness of the plan in meeting State and local goals, and that such agency will annually review the local plan;

"(D) proposes district-wide reform which includes—

"(i) the setting of local goals;

"(ii) a process to ensure that—

"(I) curricular and instructional materials reflect State goals, State curricular frameworks and local goals; and

"(II) an assessment system is developed or adopted which is curriculum-based and includes achievement and other indicators that validly, fairly, and reliably measure progress of all students (including students with limited English proficiency and students with disabilities) toward meeting State and local goals;

"(iii) the provision of teacher and administrator training; and

"(iv) a review and restructuring, if necessary, of the administrative and staffing structure of the local educational agency and individual schools within such agency.

"(E) describes how parents and secondary school students are involved in the development, operation, and evaluation of programs and activities assisted under this part;

"(F) provides for the availability of curricular frameworks, curricular materials, and professional development in a nondiscriminatory manner;

"(G) provides for the ongoing evaluation of the effectiveness of the local plan in closing the gap between high and under-achieving students using achievement and other measures such as attendance, grade retention, and dropout rates;

"(H) reviews existing Federal education programs, including early childhood education programs, and how they contribute to the local plan;

"(I) based on the recommendations of students, teachers and principals, identifies and describes Federal, State, and local laws and regulations that may impede the implementation of the plan, if any;

"(J) describes the process that will be used to ensure that the funds received will be used to the maximum extent at the local school level;

"(K) describes the steps the local educational agency shall take to ensure that successful practices, supported by assistance provided to schools under this part shall be disseminated to other schools in the local educational agency; and

"(L) provides special attention to the needs of minority students, including instructional programs and activities that—

"(i) reflect cultural awareness and multi-cultural diversity;

"(ii) encourage alternative learning styles; and

"(iii) encourage such students in elementary and secondary schools to aspire to enter higher education programs.

"(2) In making subgrants to local educational agencies under this subsection, the State shall give priority consideration to local plans which are broadly supported within their communities as evidenced by—

"(A) the comments of the local committee required under subsection (e)(2);

"(B) the record of the hearings conducted by local educational agencies under subsection (d)(2); and

"(C) letters and resolutions submitted by local groups and organizations.

"(c) ASSISTANCE FOR LOCAL PLAN DEVELOPMENT.—The State shall provide technical assistance in the development of a local plan where necessary which—

"(1)(A) is to be submitted by a local educational agency with a large number or percentage of educationally disadvantaged students, students who have dropped out of school, or students with disabilities; or

"(B) is to be submitted by a local educational agency which demonstrates need for such assistance;

"(2) promotes comprehensive, district-wide reform; and

"(3) has the support of parents, teachers, businesses, and community-based service organizations.

"(d) SUBMISSION OF LOCAL PLAN.—(1) The committee shall submit the plan to the local educational agency for review.

"(2) Prior to consideration of the plan for approval, the local educational agency, with proper public notice (including notice in accessible formats), shall conduct public meetings to:

"(A) receive an explanation of all aspects of the plan by the local committee;

"(B) review and discuss the plan, including—

"(i) whether it meets the requirements of this section;

"(ii) the revenue, resource, and budget implications of the plan for the local educational agency; and

"(iii) the effect of the plan on staffing, organization, personnel policies, and collective bargaining agreements of the local educational agency;

"(C) discuss possible modifications to the plan; and

"(D) solicit the views of other interested individuals, including the superintendent, principals, teachers, other officials of the local educational agency, parents, and students.

"(e) CONSIDERATION OF LOCAL PLAN.—

"(1) After the meetings required under subsection (d), the local educational agency, with proper notice, shall convene a public meeting to consider the local plan and shall—

"(A) approve the plan with or without modification;

"(B) disapprove the plan; or

"(C) return the plan to the committee for further development.

"(2) A local educational agency which approves a local plan shall include the written comments of the local committee prior to submitting such plan to the State for consideration for a subgrant.

"(3) Additional development, submission, and consideration of the local plan shall be consistent with the provisions of this section.

"(f) ADDITIONAL SUBGRANT.—A local educational agency may not receive an additional subgrant in a succeeding year unless such local educational agency demonstrates reasonable progress in the implementation of its local plan and, after its third year of funding under this part, provides evidence of improved student achievement.

"(g) REVIEW OF LOCAL PLAN.—(1) The committee and the local educational agency shall review, on an ongoing basis, the progress of the local educational agency in implementing the local plan for the period during which such agency receives funding under this part.

"(2) The committee shall annually submit a written progress report to the local educational agency, the State panel established under section 8106, and the State educational agency. The local educational agency may submit a separate report, including comments on the report submitted by the committee.

"SEC. 8109. LOCAL USES OF FUNDS.

"(a) DEVELOPMENT OF PLAN.—A local educational agency which receives a subgrant under this part shall use the funds for the purpose of district-wide reform, consistent with the State and local plans. Authorized activities may include—

"(1) development and implementation of the local plan;

"(2) New American Schools which reflect the best available knowledge regarding teaching and learning for all students in public schools, which use the highest quality instructional materials and technologies, and which are designed to meet national, State, and local educational goals as well as the particular needs of their students and communities;

"(3) systems such as merit schools which reward public schools with students who, taken as a whole, demonstrate improved performance on curriculum related outcome measures accepted by the States or developed in the State assessment process;

"(4) activities that supplement early childhood education programs and increase the readiness of young children to learn;

"(5) site-based management which places maximum decisionmaking authority at the individual school level and that, at a minimum, involves teachers and other professional staff;

"(6) activities which maximize parental involvement in improving the education of their children;

"(7) coordination of health, rehabilitation, and social services with education;

"(8) activities that provide incentives for higher levels of student performance and lead to improved student motivation and achievement;

"(9) planning to improve the use of technology (including instructional and assistive technology) in schools;

"(10) professional development activities of teachers and local administrators;

"(11) replication of successful education programs or components of such programs that will enable the local educational agency to attain the goals of the State and local plans;

"(12) provision of technical assistance to individual schools to enable such schools to attain the goals of the State and local plans;

"(13) development or adoption, with substantial involvement of principals, teachers, and other administrators, of curricula, instructional materials, and assessment instruments which are consistent with State frameworks and local goals;

"(14) support initiatives of teachers related to the State curricular frameworks, development and implementation of the local plan, and innovative approaches to improving student achievement; and

"(15) support of initiatives similar to those authorized under paragraph (14) by local school

cooperatives or consortia which are a part of an educational reform plans.

"(b) INVOLVEMENT OF PRINCIPALS AND TEACHERS.—A local educational agency shall involve teachers and school principals in the development, operation, and evaluation of activities assisted by funds provided under this part.

"SEC. 8110. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal years 1993 through 2001.

"SEC. 8111. ALLOTMENT OF FUNDS.

"(a) TO STATES.—(1) From funds appropriated under section 8110, the Secretary shall allot to the Secretary of the Interior for each fiscal year an amount equal to ½ of 1 percent of the funds appropriated, not to exceed $2,000,000 in any fiscal year, to benefit Indian students enrolled in schools funded by the Department of the Interior for Indian students. The provisions of subsection (b) of this section shall not apply to payments made under this paragraph.

"(2) From the remaining amount appropriated under section 8110, the Secretary shall make annual grants to States with approved applications based upon the formula established in part A of chapter 1 of title I of this Act.

"(3)(A) The Assistant Secretary of the Interior for Indian Affairs shall reserve, from the allotment to carry out this subsection, an amount not to exceed $500,000 to provide, through the National Academy of Sciences, for an analysis of the costs associated with meeting the academic standards of the Bureau of Indian Affairs by each school funded by such Bureau. The results of such analysis shall be reported, in aggregate and school specific form, to the chairpersons of the Committee on Education and Labor of the House and the Select Committee on Indian Affairs of the Senate and to the Assistant Secretary of the Interior for Indian Affairs not later than 6 months following the date of enactment of this title.

"(B) Such analysis shall evaluate the cost of providing a program in each school funded by the Bureau of Indian Affairs during the academic year July 1, 1992, through June 30, 1993, and shall be based on—

"(i) the standards—

"(I) published by such Bureau in the Federal Register and in effect for Bureau operated schools on July 1, 1992, or

"(II) incorporated within grant or contract agreements in effect on such date for tribally controlled schools funded by such Bureau through the Student Equalization program under section 1126 of Public Law 95-561, as amended:

"(ii) the best projections of student counts and demographics, as independently determined by such Academy; and

"(iii) the pay and benefit schedules and other personnel requirements for each such Bureau funded school, in effect on July 1, 1992.

"(b) MATCHING REQUIREMENT.—(1) The Federal share under this part may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this part;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this part;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this part;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this part; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this part.

"(2) The remaining cost of a program that receives assistance under this part shall be paid by the State from State funds and may include contributions from the private sector.

"(3) The share of payments from sources other than funds appropriated under this part may be in cash or in kind fairly evaluated.

"(4) The requirements of this subsection shall not apply to the Virgin Islands, the Commonwealth of Puerto Rico, or Pacific outlying areas.

"(c) MAINTENANCE OF EFFORT.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(d) ADMINISTRATIVE COSTS.—From its annual allotment, a State may reserve for administration (not to include the activities of the panel) an amount not to exceed 4 percent or $250,000, whichever is greater.

"(e) ASSURANCES AND TERMS.—(1) The funds allotted to the Secretary of the Interior under subsection (a)(1) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines will best achieve the purposes of this part. The agreement shall contain an assurance that—

"(A) a panel, as set forth in paragraph (2) of this subsection, shall be established;

"(B) a plan as required in section 8106 shall be developed by such panel; and

"(C) the provisions and activities required under sections 8106 and 8107 shall be carried out in the same time frames stipulated for the States in those sections, provided that the term 'local educational agencies' shall be interpreted to mean 'schools funded by the Bureau of Indian Affairs'.

"(2) To carry out the provisions of this part, and to develop the plan required under the agreement with the Secretary required in paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs to develop a system-wide reform plan. Such panel shall consist of—

"(A) the Assistant Secretary of the Interior for Indian Affairs (or designee);

"(B) the chairpersons and ranking minority members of the Committee on Education and Labor of the House of Representatives and the Select Committee on Indian Affairs of the Senate (or their designees);

"(C) the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs and such heads of divisions in such office as the Director shall designate;

"(D) a representative nominated by each of the following—

"(i) the organization representing the majority of teachers and professional personnel in Bureau-operated schools;

"(ii) the organization representing the majority of nonteaching personnel in Bureau-operated schools, if not the same organization as in clause (i);

"(iii) school administrators of Bureau-operated schools;

"(iv) education line officers located in Bureau area or agency offices serving elementary or secondary programs;

"(v) the organization representing the majority of Bureau-funded contract or grants schools not serving students on the Navajo reservation;

"(vi) the organization representing the majority of Bureau-funded contract or grants schools serving students on the Navajo reservation;

"(vii) the organization representing the school boards required in Bureau-operated schools, not serving students on the Navajo reservation; and

"(viii) the organization representing the school boards required in Bureau-operated schools, serving students on the Navajo reservation.

In addition, the members of the panel stipulated above shall designate for full membership 3 tribal chairmen (or designees) or representatives of 3 national organizations which primarily represent national Indian education concerns, or a combination of these 2 classes, provided that the National Advisory Council on Indian Education, established under the Indian Education Act of 1972, (25 U.S.C. 2601 et seq.) shall not be included as an organization for consideration under this provision.

"SEC. 8112. AVAILABILITY OF INFORMATION AND TRAINING.

"(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

"(1) a State educational agency or local educational agency which uses funds under this part to develop goals, curricular frameworks, curricular materials, and assessments shall, upon request, make information related to such goals, frameworks, materials, and assessments available to private schools; and

"(2) a State educational agency or local educational agency which uses funds under this part for teacher and administrator training shall provide in its plan for the training of teachers and administrators of private schools located in the geographical area served by such agency.

"(b) WAIVER.—If, by reason of any provision of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this part, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and curricular frameworks for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of this Act.

"SEC. 8113. ANNUAL PROGRESS REPORTS: TECHNICAL ASSISTANCE.

"(a) ANNUAL REPORT.—A State which receives funds under this part shall annually report to the Secretary—

"(1) regarding such State's progress in meeting its goals and plan;

"(2) describing proposed activities for the succeeding year; and

"(3) describing Federal regulations which may impede reform activities under this part as described in local plans approved by the State.

"(b) ADDITIONAL REPORT; TECHNICAL ASSISTANCE.—(1) Each State which receives funds under this part shall submit to the Secretary a biennial report on revenues available to, and expenditures by, each local educational agency in the State during the second preceding year. This report shall be developed in accordance with data definitions developed and published by the National Center for Education Statistics, and shall include at least the following information for each local educational agency within the State—

"(A) sources of revenues, identified by level of Government and type in the case of taxes;

"(B) types of educational services offered;

"(C) pupil enrollment, average daily attendance, and average daily membership;

"(D) demographic information on student population;

"(E) type and responsibilities of each local educational agency, including a description of grade levels served; and

"(F) age and condition of facilities, including the percent of budget expended for maintenance and operation.

"(2) After submission of the first biennial report under paragraph (1), a State, using data and definitions developed by the National Center on Education Statistics, shall include in each subsequent biennial report for each local educational agency the following information:

"(A) Tax assessment rates, policies, and practices.

"(B) The ability of such local educational agency to raise additional revenues.

"(C) The costs of providing elementary and secondary education services.

"(3) The report required by this subsection shall also contain a detailed description of the State's school finance programs including each program's—

"(A) purpose;

"(B) eligibility criteria;

"(C) sources of revenue;

"(D) aggregate level of funding;

"(E) mechanism or formula for distributing funds among local educational agencies; and

"(F) restrictions on use of funds.

"(4) In developing data definitions under this subsection, the National Center for Education Statistics shall consult with individuals knowledgeable in the field of education finance.

"(5) Each State shall make its first report to the Secretary under this subsection not later than two years after the date that the Secretary initially allots funds under section 8111.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, either directly by grant or by contract, to the States to assist them in complying with the requirements of this section.

"(d) DATA REVIEW.—The National Center for Education Statistics shall review the data from reports compiled under this section to determine adherence to the definitions required in subsection (b) before it is submitted for policy analysis by the National Academy of Sciences under subsection (c) of section 8114. The National Center for Education Statistics shall forward to the Secretary and the National Academy of Sciences any discrepancies it determines between the data and the definitions and any corrections necessary to achieve consistency in the data, particularly as it relates to differences in data of the various States.

"SEC. 8114. EVALUATION AND DISSEMINATION.

"(a) EVALUATION.—The Secretary shall evaluate a representative sample of such State and local reform efforts over the course of the 10-year authorization in order to assess the effectiveness of such plans and activities in improving the educational performance of all children. Such evaluations shall specifically examine the effects of such activities on disadvantaged students. The Secretary may reserve up to ¾ of one percent of the appropriations for this part to carry out this section provided that ½ of one percent of such appropriation shall be reserved for technical assistance under section 8113(c) and for subsection (c) of this section.

"(b) DISSEMINATION.—The Secretary shall, annually and upon request, disseminate to the States information on approaches and materials developed under this part or through related efforts.

"(c) CONTRACT FOR STATISTICAL, LEGAL, AND POLICY ANALYSIS.—(1) The Secretary shall provide, through a contract with the National Academy of Sciences, for the preparation of a statistical, legal, and policy analysis of school finance and related data reported by the States under section 8113(b). Such analysis shall—

"(A) address disparities in educational expenditures and the reasons for such disparities among local educational agencies in each State and among States across the Nation; and

"(B) describe the degree to which the data reported by States under section 8113 was useful in its preparation.

"(2) In conducting such analysis, the National Academy of Sciences shall use statistical methods generally accepted by school finance specialists, and shall develop model State school finance programs based on generally accepted concepts of equalized school finance programs. Such models shall take into consideration a variety of factors, including—

"(A) State and local variations in student demographics and needs, and the costs of meeting such needs;

"(B) adequacy of resources;

"(C) ability and willingness of States and local educational agencies to raise additional revenues; and

"(D) costs of providing educational services.

"(3) Not later than three years following the date that the Secretary makes the first allotment of funds to States under section 8111, the National Academy of Sciences shall provide a report containing the information required by this subsection to the Chairpersons of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate and to the Secretary. The Secretary shall expeditiously make such report available to States and, upon request, to the public.

"(4) The Secretary, upon request, shall provide, either directly or by contract, technical assistance to States which endeavor to implement a model school finance program developed by the National Academy of Sciences under this subsection.

"SEC. 8115. REPORT TO CONGRESS.

"The Secretary shall submit annually to the chairpersons of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that contains—

"(1) a description of the progress that States receiving funds under this part have made in developing and implementing their plans;

"(2) information from State and local reports regarding requirements in Federal law or regulation which have been identified by States and local educational agencies as impeding the system-wide reform of schools under this part; and

"(3) a list by State of average per pupil expenditures reflecting the most recent data reported under section 8113(b) and reviewed under section 8113(d).

"SEC. 8116. GENERAL PROVISIONS.

"Nothing in this part shall—

"(1) supersede State law;

"(2) be construed to authorize any department, agency, officer, or employee of the Federal Government to—

"(A) exercise any control over the curriculum, program of instruction, administration or personnel of any educational institution or school system; or

"(B) prescribe the use of particular standards, assessments, or instructional materials;

"(3) be construed to limit the rights or responsibilities of any person under any Federal law; or

"(4) be construed to prohibit a local educational agency from receiving contributions from private organizations or individuals for the purpose of supporting the development or implementation of its local reform plan.

"SEC. 8117. DEFINITIONS.

"For purposes of this part:

"(1) The term 'assessment system' means a system for measuring the abilities and academic achievement of students that is based upon a set of curricular frameworks and expected outcomes.

"(2) The term 'curricular framework' means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level.

"(3) The term 'Pacific outlying area' means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until such time as the Compact of Free Association is ratified).

"PART C—FLEXIBILITY DEMONSTRATION PROGRAM

"SEC. 8201. SHORT TITLE.

"This part may be cited as the 'Flexibility for Educational Effectiveness Act of 1992'.

"SEC. 8202. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) schools face increasingly diverse populations of disadvantaged students due to the influx of many immigrant children, the growth in poverty among children, and changes in the family structure;

"(2) schools are asked not only to educate such increasingly diverse student populations, but to meet disadvantaged students' needs for social, health, and nutritional services;

"(3) Federal and State programs are available to assist in educating and otherwise helping such students, but were designed originally when it was easier to meet the needs separately; and

"(4) a demonstration program that waives specific Federal statutes and regulations is necessary to determine whether education and other services can be provided in a more coordinated manner so that teachers, principals, and other school personnel can develop more flexible approaches to improving the education, social, health, mental health, and nutrition levels of disadvantaged children.

"(b) PURPOSES.—It is the purpose of this part to demonstrate the effectiveness in several States and schools, of granting waivers of Federal and State laws and regulations so that services can be more effectively provided to disadvantaged children.

"SEC. 8203. ESTABLISHMENT OF FEDERAL COMMITTEE.

"(a) IN GENERAL.—There is established a Committee on Services to Children (referred to in this part as the 'Committee') composed of the Secretaries of Education, Agriculture, Labor, and Health and Human Services. Such Committee shall coordinate certain activities of the Departments of Education, Agriculture, Labor, and Health and Human Services to facilitate demonstration projects that waive certain requirements of Federal laws and regulations administered by such departments.

"(b) NOTIFICATION.—Not later than 60 days after the establishment of the Committee under this section, such Committee shall publish in the Federal Register a notice and description of programs providing health, mental health, social services, or substance abuse prevention and treatment for which waivers of requirements are available under other Federal laws for the purpose of encouraging the coordination of such programs with programs included in this part.

"(c) DUTIES.—The Committee shall review applications from States for demonstration projects and approve applications of not more than 15 States involving not more than 20 schools in each State.

"(d) LIMITATION.—The Committee shall not exercise authority over the development or specific provisions of an application submitted by a State.

"SEC. 8204. PROGRAM AUTHORIZED.

"(a) STATES.—The Committee is authorized to waive certain requirements in not more than 15 States involving not more than 20 schools in each State for demonstration purposes to find more flexible ways to provide education and

other services to disadvantaged students. The demonstration projects may include the simplification, coordination, and combination of some of the requirements in the following four categories—

"(1) related Federal and State preschool and early childhood programs for disadvantaged children;

"(2) related Federal and State programs for disadvantaged students in elementary and secondary schools;

"(3) Federal and State educational programs for disadvantaged children and social, health, and nutrition programs targeted at such children; and

"(4) the administration of Federal and State school lunch and school breakfast programs.

"(b) TERRITORIES.—(1) Notwithstanding the definition of State in section 1471, the Secretary is authorized to consider an application from each of the territories of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and to waive certain requirements in not more than four schools for each of such territories.

"(2) The requirements of subsection (a) regarding the number of States and schools that may be approved for waivers shall not include the territories listed in paragraph (1).

"SEC. 8205. ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to participate in a demonstration project under this part, a State educational agency shall have, or make a concerted attempt to develop, coordinated service agreements with other agencies of the State that administer social services, health, mental health, and substance abuse prevention and treatment programs. Such agreements shall include descriptions of the manner in which such services for disadvantaged students are coordinated at the State level.

"(b) LOCAL ELIGIBILITY.—To be eligible to participate in a demonstration project under this part, a local educational agency shall—

"(1) develop the application with the involvement of a local reform committee established under section 8108 of part B or under State law; and

"(2) have, or make a concerted attempt to develop, coordinated service agreements with other local agencies and organizations to better coordinate the provision of education, social services, health, mental health, and substance abuse prevention and treatment programs to disadvantaged students. Such services shall be available at a location convenient for such students and their families.

"SEC. 8206. APPLICATIONS.

"(a) GENERAL LOCAL REQUIREMENTS.—A local educational agency that desires to participate in a demonstration project that waives certain State and Federal requirements to improve the delivery of services to disadvantaged children shall submit an application that includes not more than 4 schools in the jurisdiction of such agency to the State educational agency.

"(1) LOCAL REQUEST FOR WAIVERS.—A local educational agency that desires to request waivers of statutory or regulatory requirements to better serve disadvantaged students shall submit an application that—

"(A) identifies each school that desires waivers of Federal and State requirements and describes how such requirements impede improved educational outcomes;

"(B) specifically identifies each Federal and State statutory requirement to be waived;

"(C) describes how program funds shall be combined with chapter 1 funds to provide more effective services in the regular classroom for disadvantaged students;

"(D) describes how the combining of funds shall—

"(i) allow the school to provide services to disadvantaged students in a more comprehensive, less fragmented approach;

"(ii) allow the school to better meet the educational needs of disadvantaged students; and

"(iii) allow the school to allocate resources more effectively;

"(E) describes the specific educational improvement goals for each school, including—

"(i) goals to substantially improve the performance of disadvantaged students on indicators of student progress that are tied to State and national education goals and which reflect public input;

"(ii) goals that reflect the broad purposes of each program for which the waiver is sought; and

"(iii) an explanation of how the local educational agency shall evaluate the progress of each school in meeting its educational improvement goals in order to measure—

"(I) physical, psychological, and educational readiness of disadvantaged children to learn;

"(II) skill levels of students eligible for chapter 1 funds in reading, mathematics, analytical reasoning, and higher order thinking;

"(III) the dropout, retention, and graduation rates;

"(IV) teacher and student absenteeism; or

"(V) other factors associated with student and school success;

"(F) describes the population of disadvantaged students at each school, the academic and other needs of such students, and how the needs of such students shall be addressed by the demonstration projects;

"(G) describes how school administrators, teachers, staff, and parents shall be involved in the planning, development, and implementation of the goals for each participating school; and

"(H) assures that the local educational agency shall report annually to the State educational agency on the progress of the school in meeting the goals described in the application.

"(2) LOCAL REQUEST FOR SOCIAL, HEALTH, AND NUTRITION PROGRAM WAIVERS.—A local educational agency that desires to receive waivers of statutory or regulatory requirements to improve the social, health, and nutritional services to disadvantaged students shall submit an application to the State educational agency that—

"(A) includes a description of the impediments to providing effective social, health, and nutritional services to disadvantaged children;

"(B) identifies the Federal and State statutory or regulatory requirements to be waived;

"(C) describes the service goals to be achieved;

"(D) assures that the local educational agency shall report annually to the State educational agency on the progress of the school in meeting the goals described in the application.

"(3) LOCAL REQUEST OF SCHOOL AND CHILD NUTRITION PROGRAM WAIVERS.—A local educational agency that desires to receive waivers of statutory or regulatory requirements relating to the operation of school lunch and school breakfast programs shall submit an application to the State educational agency that—

"(A) includes a description of the impediments to the efficient operation and administration of the school lunch or school breakfast program;

"(B) identifies the Federal statutory or regulatory requirements to be waived;

"(C) describes the management goals to be achieved, such as fewer hours spent on or fewer personnel dedicated to the administration of such programs; and

"(D) assures that the local educational agency shall report annually to the State educational agency on the progress of school in meeting the goals described in the application.

"(b) GENERAL STATE REQUIREMENTS.—A State educational agency that desires to request waivers of statutory requirements or regulations shall submit an application to the Committee that includes the following:

"(1) SCHOOL SELECTION.—The names of the not more than 20 schools in such State selected to participate in a demonstration project.

"(2) REQUIREMENT WAIVERS.—For each such school, the identification of the statutory or regulatory requirements that are requested to be waived and the goals that the school intends to achieve.

"(3) STATE ACTION.—A description of the action that the State has undertaken to remove State statutory or regulatory barriers identified in the applications of the local educational agencies.

"(4) PROGRAM COMBINATION.—A description of the extent to which the State has combined State programs for educating disadvantaged students and State social health, mental health, and substance abuse programs with similar Federal programs, including the administration of such programs.

"(5) MONITORING PROCESS.—An assurance that the State educational agency shall monitor quarterly the progress of the schools in meeting the goals outlined in the application and that such agency shall report annually on such progress to the Committee.

"(6) APPROPRIATE APPROVAL.—If a local educational agency has requested a waiver of a Federal or State statutory or regulatory requirement that is not within the jurisdiction of the State educational agency, the written approval of the appropriate State official responsible for such requirement.

"(c) PRIORITIES.—

"(1) LOCAL PRIORITY.—The State educational agency shall give priority consideration to the selection of schools with large numbers or percentages of students eligible to receive a free or reduced price meal and schools that are—

"(A) participating in school-wide projects under chapter 1;

"(B) recipients of multiple Federal educational programs serving disadvantaged students; and

"(C) combining Federal and State social, health, mental health, and substance abuse services with Federal and State education programs affected by this part;

"(2) STATE PRIORITY.—The Committee shall give priority consideration to an application of a State that—

"(A) demonstrates that actions have been taken to waive State statutory or regulatory requirements in programs similar to the Federal programs for which the waivers are sought; and

"(B) demonstrates (and provides evidence of authority) that the State has or intends to coordinate and combine the administration of similar Federal and State education programs affected by this part and also to coordinate such programs with social, health, mental health, and substance abuse programs.

"SEC. 8207. FEDERAL WAIVERS OF GENERAL REQUIREMENTS.

"A State educational agency may request waivers of Federal statutory or regulatory requirements relating to the uses of funds for programs serving disadvantaged students to allow funds to be combined to better serve disadvantaged students in the regular classroom.

"(1) PRESCHOOL PROGRAMS.—In the case of preschool programs serving disadvantaged students, such programs shall include chapter 1 and may include—

"(A) Head Start (only for requirements related to age, family income, length of day, and restrictions on reimbursement);

"(B) Even Start;

"(C) the Child Care Quality Improvement Act; and

"(D) the Comprehensive Child Development Centers Act of 1988.

"(2) ELEMENTARY SCHOOL.—In the case of programs serving disadvantaged students at the elementary school level, such programs shall include chapter 1 and may include—

"(A) chapter 2 of this Act;

"(B) the Jacob K. Javits Gifted and Talented Students Education Act of 1988;

"(C) the Drug Free Schools and Communities Act of 1986;

"(D) the Head Start Transition Project Act;

"(E) the Follow Through Act; and

"(F) the Emergency Immigrant Education Act of 1984.

"(3) SECONDARY SCHOOL.—In the case of programs serving disadvantaged students at the secondary school level, such programs shall include chapter 1 and may include—

"(A) the Carl D. Perkins Vocational and Applied Technology Act;

"(B) the Job Training Partnership Act;

"(C) chapter 2 of this Act;

"(D) the School Dropout Demonstration Assistance Act of 1988;

"(E) the Drug Free Schools and Communities Act of 1986; and

"(F) the Emergency Immigrant Education Act of 1984.

"SEC. 8208. FEDERAL WAIVERS OF REQUIREMENTS FOR SOCIAL, HEALTH, AND NUTRITION PROGRAMS.

"A State educational agency may request waivers of Federal statutory or regulatory requirements relating to the operation of programs designed to improve the social, health, and nutritional condition of disadvantaged children. Requests may include waivers for—

"(1) the Nutrition Education and Training Program under the Child Nutrition Act;

"(2) Programs for Improvement of Comprehensive School Health Education under the Secretary's Fund for Innovation in section 4605 of title IV of this Act;

"(3) Alcohol and Drug Abuse Education Act; and

"(4) the Drug Free Schools and Communities Act.

"SEC. 8209. FEDERAL WAIVERS OF REQUIREMENTS FOR NATIONAL SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS.

"The State educational agency may request waivers of Federal statutory or regulatory requirements relating to the operation of the school lunch and school breakfast programs authorized under the National School Lunch and Child Nutrition Acts in order to promote more efficient operation of such programs.

"SEC. 8210. RESTRICTIONS ON WAIVERS.

"(a) IN GENERAL.—A local educational agency may request waivers only for those programs in which such agency participates and nothing in this part may be construed:

"(1) CIVIL RIGHTS AND DISCRIMINATION.—To authorize any changes in, substitutions for, or lessening of, the mandates and protections of Federal laws and regulations regarding civil rights (under title VI of the Civil Rights Act of 1964), discrimination (under title IX of the Education Amendments of 1972, or section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975), and safety, and the procedural safeguards contained in such provisions.

"(2) USAGE OF FUNDS.—To affect regulations and prohibitions concerning the diversion of Federal funds for private use.

"(3) GENERAL REQUIREMENTS.—To absolve any State, local educational agency or school from—

"(A) maintenance of effort or comparability of services requirements under any program;

"(B) requirements that Federal funds supplement, not supplant non-Federal funds;

"(C) requirements to provide for the equitable participation of private school students;

"(D) requirements under sections 438 and 439 of the General Education Provisions Act; or

"(E) requirements relating to parental participation.

"(4) FUND DISTRIBUTION.—To alter the distribution of funds to schools within the local educational agency, or to change the way funds are utilized within schools for programs not included in the waiver.

"(5) CONSTRUCTION, RENOVATION, AND REPAIR.—To permit funds made available for services and activities to be used for the construction, renovation, or repair of facilities.

"(b) RESTRICTIONS OF SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS.—Nothing in this part shall be construed:

"(1) DISCLOSURE OF INFORMATION.—To lessen the mandates regarding the prohibition on the disclosure of information regarding students receiving free or reduced price meals.

"(2) PRICE LIMITATION.—To allow eligible schools to charge more than the statutory price limit for a reduced price meal.

"(3) MEAL COSTS.—To lessen the mandates regarding the requirements for serving free or reduced price meals to eligible students.

"(4) REIMBURSEMENT.—To allow schools to receive a reimbursement at an amount greater than the number or proportion of students eligible for free, reduced price, or paid meals.

"(5) PROHIBITION.—To lessen the requirements regarding the prohibition on operating a profit-producing program.

"(6) SALE.—To lessen the requirements regarding the sale of competitive foods.

"(7) NUTRITION.—To lessen the mandates regarding the nutritional content of the meals served.

"(c) SPECIAL RULE.—Any reporting requirements required by programs affected by sections 8207, 8208, and 8209 shall be waived and considered satisfied by the reporting requirements in this part.

"SEC. 8211. TERMINATION OF WAIVER AUTHORITY.

"(a) EARLY TERMINATION.—A waiver granted to a State or school shall be terminated when the following occurs:

"(1) PROGRESS.—The school has not demonstrated adequate progress toward meeting the goals outlined in the application of the local educational agency.

"(2) VIOLATION.—When a State or school has been found in violation of any restriction on the waiver authority.

"(b) FINAL TERMINATION.—The authority of the Committee to grant waivers shall expire on September 30, 1997.

"(c) DECLINE PARTICIPATION.—A school, at any time, may decline to participate in a project under this part.

SEC. 8212. REPORTING REQUIREMENTS.

"(a) STATE REQUIREMENT.—A State educational agency that is selected for a demonstration project under this part shall report annually to the Committee on the progress of each participating school in meeting the goals articulated in the application of the local educational agency and shall include the following:

"(1) INTERAGENCY AGREEMENTS.—Identification of the interagency mechanism established to coordinate the delivery of services at the State and local level.

"(2) ACHIEVEMENT LEVELS.—Evaluation of the impact of coordinated services on the achievement levels of students eligible for chapter 1 funds including—

"(A) reading and math skills;

"(B) analytical reasoning skills;

"(C) dropout rates;

"(D) retention rates;

"(E) graduation rates;

"(F) student absenteeism;

"(G) teacher absenteeism; and

"(H) other indicators considered by the local educational agency to be appropriate.

"(3) SERVICE REVIEW.—Identification of the specific steps taken—

"(A) to expand or restrict eligibility for services or programs;

"(B) to establish new services;

"(C) to expand existing services;

"(D) to increase hours of service;

"(E) to integrate services from other systems (such as mental health, nutrition, social services, and substance abuse prevention and treatment);

"(F) to involve new staff in the delivery of services; and

"(G) to enhance parental involvement.

"(b) COMMITTEE REQUIREMENT.—The Committee shall report annually to the Committee on Education and Labor in the House of Representatives and the Committee on Labor and Human Resources of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the progress in each of the schools in meeting the goals in the application of the local educational agency.

"SEC. 8213. EVALUATION.

"(a) NATIONAL ACADEMY OF EDUCATION.—The Secretary of Education shall contract with the National Academy of Education to conduct an evaluation of the demonstration projects under this part to determine the following:

"(1) STATE REPORTING REQUIREMENTS.—The accuracy of the information required under section 8212.

"(2) ACHIEVEMENT AND EFFICIENCY.—The effectiveness of raising educational achievement levels of disadvantaged students and improving the general efficiency of program operations at each school.

"(3) COORDINATED SERVICE AGREEMENTS.—The effectiveness of the coordinated service agreements at the State and local levels in the delivery of comprehensive services to disadvantaged children.

"(b) SUBMISSION DEADLINE.—Such evaluation shall be submitted to the Committee on Education and Labor of the House of Representatives, the Committee on Labor and Human Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than January 1, 1999.

"SEC. 8214. DEFINITIONS.

"For purposes of this part:

"(1) The term 'chapter 1' means chapter 1 of title I of this Act.

"(2) The terms 'disadvantaged children' and 'disadvantaged students' mean children, ages 3 to 17 years, who are eligible for services under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Head Start Act, the National School Lunch Act, the Follow Through Act, the Bilingual Education Act, the School Dropout Demonstration Act, or the Emergency Immigrant Education Act.

"(3) The term 'secondary school' means junior high schools, middle schools, and high schools.

"SEC. 8215. AUTHORIZATION OF APPROPRIATIONS.

"For the purposes of section 8213, there are authorized to be appropriated $1,000,000 for fiscal year 1997, which shall remain available until expended.

"TITLE IX—NATIONAL BOARD ON WORKFORCE SKILLS

"SEC. 9001. PURPOSE.

"The purpose of this title is—

"(1) to conduct research to identify and to determine the validity of generic workplace readiness skills which all students should have attained upon completion of high school in order to be effective participants in the workforce; and

"(2) to make recommendations regarding how the attainment of such generic workplace readiness skills can be incorporated into the development of national content standards and national school delivery standards.

"SEC. 9002. RESEARCH.

"(a) NATIONAL ACADEMY OF SCIENCES.—The Secretary of Education, through grant or con-

tract with the National Academy of Sciences (referred to in this title as the Academy), shall—

"(1) in consultation with employers, workers, representatives of labor, educators, and others as appropriate, identify generic workplace readiness skills that all students should have upon completion of high school;

"(2) conduct research on such skills, including evaluating existing research and practices to determine the relationship between possession of the skills and competent job performance;

"(3) make recommendations for integrating generic workforce readiness skills into school-based learning; and

"(4) propose methods to update generic workforce skills as the requirements of the economy change.

"(b) EXPERTS.—The Academy shall utilize the expertise of representatives from business and industry, organized labor (including organizations with national training programs), education, local government, and others with expertise regarding the identification and teaching of generic workplace readiness skills.

"SEC. 9003. RECOMMENDATIONS.

"The Academy shall work with the National Education Goals Panel and the groups and organizations authorized to develop national content standards and national schools delivery standards pursuant to sections 8011 and 8012, respectively, to include skills identified under this part and the National Education Goals Panel and such groups and organizations shall utilize the recommendations of the Academy.

"SEC. 9004. TIME AND CONDITIONS.

"The Secretary shall, not later than 90 days after the receipt of funds appropriated under section 9005, enter into an appropriate arrangement with the Academy to carry out the responsibilities outlined under this title.

"SEC. 9005. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $2,000,000 for fiscal year 1993 to carry out this title. Such appropriation shall be available until expended.".

SEC. 102. EISENHOWER NATIONAL PROGRAMS.

Section 2012 of the Elementary and Secondary Education Act is amended by adding at the end the following:

"(g) MODEL ASSESSMENTS FOR MATH STANDARDS.—The Secretary may develop, in consultation with the panel and committee established under title VIII of this Act, model assessments tied to the math standards.".

TITLE II—GENERAL EDUCATION PROVISIONS ACT AMENDMENTS

SEC. 201. NATIONAL ASSESSMENT PURPOSE.

(a) ASSESSMENT PURPOSE.—Section 406(i)(1) of the General Education Provisions Act is amended by striking the third sentence and inserting the following:

"The purpose of the National Assessment is to measure the Nation's progress in meeting the national education goals through the assessment of the performance of children and adults in the basic skills of reading, mathematics, science, writing, history, geography, and other areas selected by the Board.".

(b) NATIONAL ASSESSMENT.—Section 406(i)(6)(A) of the General Education Provisions Act is amended—

(1) by redesignating clauses "(ii)" through "(viii)" as "(iii)" through "(ix)", respectively; and

(2) by inserting after clause (i) the following:

"(ii) ensuring that the National Assessment is aligned with national content standards established under section 8011 of this Act.".

SEC. 202. FUNCTIONS OF NATIONAL ASSESSMENT.

(a) IN GENERAL.—Section 406 of the General Education Provisions Act (20 U.S.C. 1221e-1) is amended—

(1) in paragraph (1) of subsection (f), by striking "and 1993" and inserting "1993, and 1994";

(2) in subparagraph (C) of subsection (i)(2)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(B) by inserting after clause (ii) the following:

"(iii) The National Assessment shall—

"(I) conduct, in 1994, a trial mathematics assessment for the 4th and 8th grades and a trial reading assessment for the 4th grade, in States that wish to participate, for the purpose of determining whether such assessments yield valid and reliable State representative data;

"(II) develop a trial mathematics assessment for the 12th grade, a trial reading assessment for the 8th and 12th grades, and a trial science assessment for the 4th, 8th, and 12th grades, to be administered in 1994 in States that wish to participate, for the purpose of determining whether such assessments yield valid and reliable State representative data; and

"(III) include in each such sample assessment referred to in subclauses (I) and (II) students in public and private schools in a manner that ensures comparability with the national sample."; and

(C) in clause (vi) (as redesignated by subparagraph (A) of this paragraph)—

(i) in the first sentence, by striking "and the fairness and accuracy of the data they produce" and inserting ", the fairness and accuracy of the data they produce, and important issues affecting the quality and integrity of the National Assessment"; and

(ii) by striking "paragraph (C)(i) and (ii)" and inserting "clauses (i), (ii), and (iii)".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 405(f)(1) of the General Education Provisions Act (20 U.S.C. 1221e(f)(1)) is amended by striking "1993" and inserting "1994".

(c) ADDITIONAL REPORT.—

(1) IN GENERAL.—The Secretary shall provide for the organization that conducts the independent evaluation required by section 406(i)(2)(C)(vi) of the General Education Provisions Act to study and report to the Congress on—

(A) the process whereby achievement goals are set pursuant to section 406(i)(6) of such Act; and

(B) the ability of the National Assessment of Educational Progress to maintain valid data with respect to trends in student performance.

(2) TIME FOR SUBMISSION OF REPORT.—The report required by paragraph (1) shall be submitted as soon as practicable, but in any event not later than 120 days after the date of the enactment of this Act.

SEC. 203. RESPONSIBILITY OF STATES TO FURNISH INFORMATION CONCERNING USES OF FEDERAL FUNDS.

Section 406A of the General Education Provisions Act (20 U.S.C. 1232f) is amended to read as follows:

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

"SEC. 406A. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

"(1) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

"(2) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

"(b) Each report submitted as required by subsection (a) shall—

"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

"(2) analyze the information included in the report by local educational agency and by program;

"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned and specify which appropriation Act or Acts made such funds available;

"(4) separately account for any funds carried over from a preceding fiscal year by any State or local educational agency; and

"(5) be made readily available by the State to local educational agencies and institutions within the State and to the public.

"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available to any individual who requests it and as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

"(e) On or before August 15th of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

"(1) an analysis of the content and data quality of such reports;

"(2) a compilation of statistical data derived from such reports; and

"(3) information obtained by the Secretary with respect to—

"(A) direct grants made to local educational agencies by the Federal Government; and

"(B) contracts entered into between such agencies and the Federal Government.".

TITLE III—ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENT

SEC. 301. SCHOOLWIDE PROJECTS.

(a) IN GENERAL.—Section 1015(b)(6) of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subparagraph (A)—

(A) by striking "(A)"; and

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

(2) by striking subparagraph (B).

(b) APPLICATION.—The amendment made by subsection (a) shall apply to grants made on or after October 1, 1992.

TITLE IV—VOCATIONAL EDUCATION ASSESSMENT

SEC. 401. ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.

Section 421(h) of the Carl D. Perkins Vocational and Applied Technology Education Act is amended—

(1) by inserting after "(1)" and "(h)"; and

(2) by inserting at the end the following:

"(2)(A) Notwithstanding any provision of section 406 of the General Education Provisions Act, the Commissioner of Education Statistics may authorize a State educational agency or a consortium of such agencies to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to vocational education, if the Commissioner has determined, in writing, that such use will not—

"(i) result in the identification of characteristics or performance of individual students or schools;

"(ii) result in the ranking or comparing of schools or local educational agencies;

"(iii) be used to evaluate the performance of teachers, principals, or other local educators for the purpose of dispensing rewards or punishments; or

"(iv) corrupt or harm the use and value of data collected for the National Assessment of Educational Progress.

"(B) Not later than 60 days after making an authorization under subsection (a), the Commissioner shall submit to the chairperson of the Committee on Education and Labor of the House of Representatives and to the chairperson of the Committee on Labor and Human Resources of the Senate, a report which contains—

"(i) a copy of the request for such authorization;

"(ii) a copy of the written determination under subsection (a); and

"(iii) a description of the details and duration of such authorization.

"(C) The Commissioner may not grant more than one such authorization in any fiscal year and shall ensure that the authorized use of items or data from the National Assessment is evaluated for technical merit and for its affect on the National Assessment. The results of such evaluations shall be promptly reported to the committees specified in subparagraph (B).".

"SEC. 402. AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—

(1) in paragraph (2) of subsection (a), by inserting ", including postsecondary employment and training programs," after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education" after "coordinating council,"; and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act"; and

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or completion rates, job placement rates from occupationally specific programs, and licensing rates, each State board for higher education shall develop a data collection system whose results can be integrated into the occupational information system developed under this section.".

The CHAIRMAN. No amendment to the substitute, as modified, is in order except those amendments printed in House Report 102–838 and the amendments en bloc described in House Resolution 551. The amendments printed in House Report 102–838 shall be considered in the order and manner specified in the report, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order for the chairman of the Committee on Education and Labor, or his designee, to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which are germane thereto, printed in House Report 102–838. Said amendments en bloc shall be considered as read, except that modifications shall be reported; shall not be subject to amendment or to a demand for a division of the question, and are debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The original proponents of the amendments offered en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENTS EN BLOC OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, pursuant to the rule, and as the designee of the gentleman from Michigan [Mr. FORD], I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc are as follows:

Amendments en bloc offered by Mr. KILDEE consisting of the amendments numbered 1 through 6 in House Report 102–838.

1. Kildee amendment:

Page 2, before line 1, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neighborhood Schools Improvement Act".

Page 3, line 9, insert "voluntary" before "national".

Page 3, line 14, insert "voluntary national" before "school delivery".

Page 8, line 2, insert "voluntary" before "national".

Page 8, beginning on line 24, strike "measurement tools to be developed as necessary" and insert "indicators".

Page 15, strike lines 9 through 21, and insert the following:

"(b) APPOINTMENT AND PAY OF EMPLOYEES.—

"(1) EMPLOYEE ALLOCATION.—(A) The Chairperson of the Panel may appoint not more than four employees to serve as staff to the Panel without regard to the provisions of the title 5, United States Code, governing appointments in the competitive service.

"(B) The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

"(2) ADDITIONAL EMPLOYEES.—The Chairperson of the Panel may appoint additional employees to serve as staff to the Panel consistent with the provisions of title 5, United States Code.

Page 16, line 12, insert "voluntary" before "national".

Page 16, line 14, insert "voluntary" before "national".

Page 16, line 16, insert "VOLUNTARY" before "NATIONAL".

Page 18, line 17, insert "VOLUNTARY NATIONAL " before "SCHOOL".

Page 25, line 7, strike "1992" and insert "1993".

Page 25, line 12, strike "1992 through 1996" and insert "1993 through 1994".

Page 25, line 16, strike "1992" and insert "1993".

Page 25, line 17, strike "1993" and insert "1994".

Page 25, line 21, strike "1992 and 1993" and insert "1993 and 1994".

Page 32, line 8, strike "and".

Page 32, line 9, strike "(6)" and insert "(7)".

Page 32, after line 8, insert the following:

"(6) an individual representing the State board of education; and".

Page 32, line 16, strike "(F) State board of education.".

Page 32, line 17, strike "(G)" and insert "(F)".

Page 34, beginning on line 3, strike "consistent with requirements of Federal law".

Page 34, beginning on line 9, strike "consistent with requirements of Federal law".

Page 41, line 9, insert "(or a designee)" after "agency".

Page 52, line 12, strike "and".

Page 52, line 16, strike the period and insert a semicolon.

Page 52, after line 16, insert the following:

"(16) demonstrating and evaluating the effectiveness of improving teacher and student performance by reducing the numbers of students in classrooms; and

"(17) improving the academic performance and reducing the dropout rate of at-risk students through the use of mentors."

Page 68, beginning on line 7, strike "at each grade level".

Page 91, beginning on line 20, strike "(b) EXPERTS.—" and all that follows through "the expertise" and insert the following:

"(b) NATIONAL BOARD.—The Academy shall establish a National Board on Workforce Skills composed".

Page 92, line 23, strike "Secretary may develop," and insert "Secretary, with funds appropriated to carry out this section and"

Page 92, line 25, insert before "model" the following:

"is authorized to make grants to State educational agencies, local educational agencies, institutions of higher education, organizations with expertise in assessments, or a combination of such agencies or organizations, to support the development of".

Page 93, strike lines 3 through 20.

Page 93, line 21, strike "202" and insert "201".

Page 96, line 5, strike "203" and insert "202".

Page 99, strike lines 1 through 3 and insert the following:

"TITLE III—MISCELLANEOUS PROVISIONS".

Page 99, strike lines 5 through 14 and insert the following:

(a) IN GENERAL.—Section 1015(b)(6) of Public Law 89–10, as amended (20 U.S.C. 2725(b)(6)), is amended—

(1) in subparagraph (A) by striking at the end "and"; and

(2) in subparagraph (B) by striking such subparagraph and inserting the following:

"(B) the average per pupil expenditure in schools described in subsection (a) (excluding amounts expended under a State compensatory education program) for the fiscal year in which the plan is to be carried out will not be less than such expenditure in the previous fiscal year in such schools, except that—

"(i) the cost of services for programs described in section 1018(d)(2)(A) shall be included for each fiscal year as appropriate only in proportion to the number of children in the building served in such programs in the year for which this determination is made; and

"(ii) if the average per pupil expenditure of the local educational agency is less than such expenditure in the previous fiscal year, the average per pupil expenditure of schools described in subsection (a) may be reduced by the local educational agency in the exact proportion to the average reduction of expenditures for all schools in such agency."

(b) EFFECTIVE DATE.—The amendment made by paragraph (2) shall be effective on or after July 1, 1992.

Page 99, after line 14, insert the following:

SEC. 302. REPORT AND AUTHORIZATION EXTENSIONS.

Section 102 of Public Law 102-62 is amended—

(1) in subsection (d) by striking "2" and inserting "3"; and

(2) in subsection (h)—

(A) by striking "1991" and all that follows through "and 1993"; and

(B) by inserting "1992 through 1995".

Page 3, line 24, strike "14" and insert "18".

Page 4, line 12, strike "and".

Page 5, line 4, strike the period and insert "; and".

Page 5, after line 4, insert the following:

"(D) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of which not more than two of whom may be of the same political party as the President of the United States.

2. Traficant amendment:

Page 105, after line 16, add the following new title:

TITLE VI—BUY AMERICAN

SEC. 601. SENSE OF THE CONGRESS.

It is the sense of the Congress that a recipient (including a nation, individual, group, or organization) or any form of student assistance or other Federal assistance under this Act should, in expanding that assistance, purchase American-made equipment and products.

SEC. 602. NOTICE.

The Secretary of Education shall provide to each recipient of student assistance or other Federal assistance under the Act a notice describing the sense of the Congress stated under section 601.

3. AuCoin amendment:

Page 38, beginning on line 15, strike "In the event" and all that follows through "such accomplishments" on line 20 and insert the following:

"In the event that a State has, pursuant to a State law enacted not later than July 1, 1992, established a reform panel which substantially satisfies the requirements of this section or has previously accomplished any of the reform activities under this part, the State is not required to reconstitute such panel or include such activities in the plan, but may include a request for a waiver, including a description of such panel or accomplishments.".

(Page 43, strike lines 13 through 16, and insert the following:

"(6) In the event that a local educational agency has, pursuant to a State law enacted not later than July 1, 1992, established a reform committee which substantially satisfies the requirements of this section or has previously accomplished any of the reform activities under this part, the local educational agency is not required to reconstitute such committee or include such activities in the plan, but may include a request for a waiver, including a description of such committee or accomplishments.".

4. Wheat amendment:

Page 99, line 3, strike "AMENDMENT" and insert "AMENDMENTS".

Page 99, after line 14, insert the following section:

SEC. 302. PARENTS AS TEACHERS PROGRAMS.

Title IV of the Elementary and Secondary Education Act of 1965 is amended by inserting at the end the following new part:

"Part G—Parents as Teachers

"SEC. 4701. SHORT TITLE.

"This part may be cited as the "Parents as Teachers: the Family Involvement in Education Act of 1992".

"SEC. 4702. FINDINGS.

"The Congress finds—

"(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

"(2) providing seed money is an appropriate role for the Federal Government to play in education;

"(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

"(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and

"(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

"SEC. 4703. STATEMENT OF PURPOSE.

"It is the purpose of this part to encourage States to develop and expand parent and early childhood education programs in an effort to—

"(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

"(2) strengthen partnerships between parents and schools; and

"(3) enhance the developmental progress of participating children.

"SEC. 4704. DEFINITIONS.

"For the purposes of this part—

"(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

"(2) the term "eligible family" means any parent with one or more children between birth and 3 years of age, or any parent expecting a child;

"(3) the term "lead agency" means the office or agency in a State designated by the Governor to administer the parents as teachers program authorized by this part;

"(4) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

"(5) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 4708; and

"(6) the term "Secretary" means the Secretary of Education.

"SEC. 4705. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) The Secretary is authorized to make grants to States to pay the Federal share of the cost of establishing, expanding, and operating parents as teachers programs.

"(2) In awarding grants under paragraph (1), the Secretary shall give special consideration to applicants whose programs primarily serve hard-to-serve populations, including—

"(A) teenaged parents,

"(B) illiterate parents,

"(C) economically disadvantaged parents,

"(D) offenders and their families,

"(E) unemployed parents,

"(F) learning disabled parents, and

"(G) non-English speaking parents.

"(3) In determining the amount of a grant under paragraph (1), the Secretary shall take into consideration the size of the population to be served, the size of the area to be served, and the financial resources of such population and area.

"(b) SPECIAL RULE.—Any State operating a parents as teachers program which is associated with the Parents As Teachers National Center located in St. Louis, Missouri, shall be eligible to receive a grant under this part.

"SEC. 4706. PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—(1) Each State receiving a grant under section 4705(a) shall conduct a parents as teachers program which—

"(A) establishes and operates parent education programs including programs of developmental screening of children; and

"(B) designates a lead State agency which shall—

"(i) hire parent educators who have had supervised experience in the care and education of children;

"(ii) establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 4 group meetings and 8 home visits for each participating family;

"(iii) be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

"(iv) develop recruitment and retention programs for hard-to-reach populations.

"(2) Grants awarded section 4705(a) shall only be used for parents as teachers programs which serve families during the period of time beginning with the last 3 months of a mother's pregnancy and ending when a child attains the age of 3.

"SEC. 4707. PARENTS AS TEACHERS NATIONAL CENTER.

"The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

"SEC. 4708. EVALUATIONS.

"The Secretary shall complete an evaluation of the State parents as teachers programs within 4 years from the date of enactment of this part.

"SEC. 4709. APPLICATION.

"Each State desiring a grant under section 4705(a) shall submit an application to the Secretary at such time, in such manner and

accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

"SEC. 4710. PAYMENTS AND FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each State having an application approved under section 4709 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—(1) The Federal share—

"(A) for the first year for which a State receives assistance under this part shall be 100 percent;

"(B) for the second such year shall be 100 percent;

"(C) for the third such year shall be 75 percent;

"(D) for the fourth such year shall be 50 percent; and

"(E) for the fifth such year 25 percent.

"(2) The non-Federal share of payments under this part may be in cash or in kind fairly evaluated, including planned equipment or services.

"SEC. 4711. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this Act.".

5. Kostmayer and Slaughter amendment:

Page 46, line 12, strike "and".

Page 46, line 22, strike the period and insert a semicolon.

Page 46, after line 22, insert the following:

"(M) provides special attention to the needs of females, including instructional programs and activities that—

"(i) encourage increased participation in math and sciences; and

"(ii) promote gender equity in classrooms and curricula; and

"(N) provides for the ongoing evaluation of the impact of the local plan on the separate educational achievements of girls and boys.".

6. Hall of Ohio amendment:

Page 105, after line 16, insert the following:

TITLE VI—CIVIC AND CHARACTER VALUES-IN-SCHOOLS

SEC. 601. SHORT TITLE.

This title may be cited as the "Civic and Character Values-In-Schools Act of 1992".

SEC. 602. PURPOSE.

The purposes of this title are—

(1) to establish a commission to examine the issues associated with the teaching of values in elementary and secondary schools and to stimulate research in ethics and values;

(2) to recommend to the President and to Congress how the Federal Government, through executive action and legislation, can promote the teaching of values in American schools, including encouraging the offering of independent courses on values, and the integration of values into existing courses;

(3) to explore, assess, and stimulate a variety of approaches to teaching values;

(4) to identify civic and character values that are supported by a consensus of the people of the United States as essential to a complete education and preparation for becoming productive members of society and that may be appropriately endorsed and promoted by the Federal Government; and

(5) to identify the ways in which judgments of values and of right and wrong are implicated in matters of public and private concern.

SEC. 603. FINDINGS.

The Congress finds that—

(1) many Americans of all economic and social levels, religious persuasions, and ages, no longer make determinations of right and wrong as to their own actions or the actions of others in matters of both public and private concern;

(2) educational institutions, which have traditionally played a role in assisting students to make such determinations, no longer receive explicit authority or proper assistance necessary to fulfill this responsibility;

(3) the Nation has witnessed a national moral recession in governmental and political activities, scientific research, and business and commerce, in which individuals have failed to consider the ethics governing their behavior;

(4) statistics show alarming increases in individual and gang violence, drug and substance abuse, and suicide among both young people and adults;

(5) polls show that Americans overwhelmingly prize values such as honesty, but believe that people are less honest today than in the past;

(6) leaders representing a broad spectrum of political, social, and religious beliefs believe that education in moral issues contributes to good citizenship and have called for strengthening the teaching of democratic values;

(7) training in ethics is an ongoing concern in business and industry and in public service; and

(8) while education remains the responsibility of local and State governments, the Congress and the Federal Government may appropriately provide assistance to educational agencies and institutions attempting to promote civic and character values.

SEC. 604. ESTABLISHMENT.

There is established the Commission on Values Education (in this title referred to as the "Commission").

SEC. 605. DUTIES; REPORT.

(a) DUTIES.—The Commission shall—

(1) consider the widest range of values for inclusion in the consensus of values that should be taught, including honesty, integrity, tolerance, self-discipline, self-respect, civility, importance of family, justice, equality, the rule of law, individual rights, the common good, love of country, love of knowledge, responsibility and accountability, protection of oneself and others from degradation and abuse;

(2) conduct interviews, meetings, hearings, and conferences in various regions and localities in the United States to gather the opinions of a wide variety of individuals, including educators and educational administrators, students, parents, philosophers and theologians, civic, religious, and professional leaders, business leaders, social service professionals, political leaders, persons prominent in the arts, entertainment, and sports, and concerned citizens;

(3) seek the cooperation, advice, and assistance of the Department of Education and such other Federal, State, and local agencies, and private and religious organizations, institutions, and associations, as may be helpful in carrying out its purposes and duties; and

(4) recognize individuals and institutions who have demonstrated outstanding success in teaching values; and

(5) identify the potential of values education for reducing the incidence of problems such as those described in section 603(4).

(b) REPORT.—The Commission shall report its findings and recommendations to the Congress and the President not later than 1 year after the enactment of this Act. Such reports shall include—

(1) its recommendations for specific legislation or executive actions and broad policy goals and objectives; and

(2) a recommendation as to the establishment within the Federal Government of a clearinghouse for programs and ideas relating to values education.

SEC. 606. MEMBERSHIP AND APPOINTMENT OF COMMISSION.

(a) MEMBERSHIP.—The Commission shall be composed of 17 members as follows:

(1) Seven members each appointed by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the respective minority leaders, from among individuals who are broadly representative of, but not restricted to—

(A) professional educators, teachers, and educational administrators;

(B) parents of students at elementary and secondary levels;

(C) students at secondary levels;

(D) philosophers, theologians, and religious leaders;

(E) State and local elected and appointed government officials, including members of State and local boards of education;

(F) individuals prominent in sports, the arts, and entertainment;

(G) individuals active in business, the professions, or civic activities;

(H) social service professionals; and

(I) the general public.

(2) One member each of the House of Representatives and the Senate, designated by the Speaker of the House and the majority leader of the Senate, respectively.

(3) The Secretary of Education or a designee of the Secretary.

(b) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) CO-CHAIRS OF COMMISSION.—The Speaker of the House and the majority leader of the Senate shall each designate a co-chair of the Commission from members appointed under subsection (a)(1) or (a)(2).

SEC. 607. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 608. POWERS.

(a) MEETINGS.—The Commission shall first meet not more than 30 days after the date on which the last member is appointed to the Commission and thereafter upon the call of either co-chair or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon the request of co-chair of the Commission, the head of such agency shall furnish such information to the Commission.

(d) DIRECTOR.—The Commission shall have a Director, who shall be appointed by the co-chairs. The Director shall be paid at a rate

not to exceed the maximum rate of basic pay payable for grade GS-15 of the General Schedule.

(e) STAFF.—The Director shall appoint such staff members as may be necessary to perform the work of the Commission. In allocating authorized, appropriated, and contributed funds, priority shall be given to those activities, such as hearings and conferences, designed to elicit the broadest public participation in the Commission's deliberations, rather than to the payment of professional staff.

(f) USE OF SERVICES AND FACILITIES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(g) PERSONNEL FROM OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $500,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993. Amounts appropriated pursuant to this section shall remain available until expended.

SEC. 610. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its final report to the Congress.

Page 52, line 12, strike "and".

Page 52, line 16, strike the period at the end and insert "; and".

Page 52, after line 16, insert the following:

"(16) development and implementation of programs that help stimulate understanding ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education.".

Page 105, after line 16, insert the following:

TITLE VI—DEMONSTRATION PROGRAM

SEC. 602. AMENDMENT TO SECRETARY'S FUND FOR INNOVATION IN EDUCATION.

(a) PROGRAM AUTHORIZED.—Paragraph (2) of section 4601(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151(a)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education in accordance with section 4609.".

(b) ETHICS AND VALUES DEMONSTRATION PROGRAM.—Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 the second place it appears as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this subsection) the following:

"SEC. 4609. ETHICS AND VALUES DEMONSTRATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions to conduct activities designed to help stimulate understanding of ethics, civic and character values, and the principles of democracy as a means of enhancing and improving elementary and secondary education.

"(b) USES OF FUNDS.—Grants made under this section may be used for—

"(1) the development of teaching materials;

"(2) teacher training and seminars;

"(3) the establishment of clearinghouses for values education programs;

"(4) proposals seeking to involve the whole school environment;

"(5) research and follow-up studies of existing programs of values and ethics education;

"(6) civic and character values education projects demonstrating a beneficial effect on individual ethical behavior and on the incidence of individual and gang violence, drug and substance abuse, and suicide;

"(7) projects that assist in identifying a consensus of values within a community that may be appropriately promoted in schools of the community;

"(8) projects that seek to develop model programs to promote values and ethics; and

"(9) projects examining values and responsible citizenship.

"(c) APPLICATION.—Each applicant desiring to receive a grant under this section shall submit an application in such form, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) identify values and ethics that receive widespread support from a consensus of individuals in the United States;

"(2) describe the school population intended to benefit from the proposed activities;

"(3) demonstrate how the proposal fulfills the purpose described in subsection (a);

"(4) describe the methods to be used to evaluate the results of the proposed activities; and

"(5) provide assurances that the applicant will appoint an advisory board to assist the applicant in conducting the proposed activities, which board shall consist of individuals representative of—

"(A) parents;

"(B) educators;

"(C) community leaders;

"(D) social service professionals;

"(E) business leaders; and

"(F) the general public.".

Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

□ 1130

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the first part of these en bloc amendments is a package of amendments developed by the committee and proposed by myself for the purpose of further fine tuning the bill.

For example, they clarify that: National education standards are applicable to States on a voluntary basis; the national educational goals panel is to select measures and indicators relative to the national education goals; and the head of the unit of general purpose local government may be represented on a local reform committee by a designee.

Further, the amendment makes minor changes such as: Adding reduced class size and mentoring programs as authorized local uses of funds; and striking the provisions modifying the purpose of the national assessment of educational progress.

Included in my package is a provision developed by the Gentleman from Ohio [Mr. SAWYER] which expands the membership of the national education goals panel to include four representatives of State legislatures.

Other amendments in the package include:

And amendment by the gentleman from Ohio [Mr. TRAFICANT] which expresses the sense of the Congress that assistance provided under this act should be used to purchase American-made equipment and products.

An amendment by the gentleman from Oregon [Mr. AUCOIN] which waives certain reform requirements if a State or local educational agency has already accomplished them pursuant to a State law.

An amendment by the gentleman from Ohio [Mr. HALL] which authorizes a new commission, a demonstration program, and a local use of funds under H.R. 4323 related to values education.

An amendment by the gentleman from Missouri [Mr. WHEAT] which adds a parents-as-teachers provision to the bill to involve parents in the early education of their children, up to age 3.

An amendment by the gentleman from Pennsylvania [Mr. KOSTMAYER] which requires that equity in gender be used as criteria in the development and approval of local school district reform plans.

I urge the adoption of these amendments en bloc.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I appreciate having the opportunity to speak on behalf of the Parents as Teachers Program that is included in the en bloc amendments being offered by Chairman KILDEE.

I first learned of the Parents as Teachers from Martha Seaman of Mobile, AL, who has been instrumental in bringing this important program to our south Alabama community. Through Parents as Teachers, Ms. Seaman and many dedicated volunteers have reached out to new parents to teach them how to teach their children.

Now most of us probably think parenting is one of those skills that comes naturally. But it doesn't, and oftentimes, mistakes we make in the early years of parenting effect our children for life.

Parents as Teachers recognizes this—it recognizes the fact that parents are

their children's first and most influential teachers. And that children, in their beginning years, learn more and at a much faster pace than at any other time in their lives.

I am pleased to be an original cosponsor of the Parents as Teachers Act, H.R. 520, which was introduced by my colleague from Missouri, Alan Wheat. This bill was inspired by programs like Missouri's and Mobile's highly successful Parents as Teachers Program, which has been proven effective in strengthening the foundations of later learning—language and intellectual development, curiosity, and social skills.

Through personalized home visits by trained parent educators, group meetings with other new parents, and formal screening to detect potential learning problems, Parents as Teachers gives children the best possible start in life.

Mr. Chairman, I come to the floor today to highlight this important program, and commend it to my colleagues' attention. It deserves our support. I am disappointed, however, that it appears to be the only rose in this bouquet of thorns that is being called the Neighborhood School Improvement Act, and I cannot support the bill.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the support of the gentleman from Alabama and his advocacy of this program. He has long been attached to it, and I appreciate his support.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the en bloc amendment.

As my subcommittee chairman noted, one of the components of this en bloc amendment is a provision that would add four State legislators to the national goals panel.

Under the bill as it is currently drafted, the national goals panel will have 14 members—Governors, representatives appointed by the President, and Members of Congress.

Mr. Chairman, the addition of four State legislators will complete the circuit of responsibility for educational reform. More than 40 State constitutions have strong provisions outlining the responsibilities of State legislatures for providing education in their States.

In almost every State, education spending constitutes the largest functional category. Nationwide, 48 percent of the total spent on elementary and secondary education is spent by the States.

Their representation on the national goals panel will provide a crucial policy link. If we are to expect State legislatures to implement the funding and policy decisions to advance State-based educational reform, surely they should be involved in the development of those policies.

I thank my chairman for including my amendment and I urge the adoption of the en bloc amendment.

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman, our distinguished ranking member on the Committee on Education and Labor, for yielding me this time.

First of all, I rise to make a disclaimer prior to my remarks, and that disclaimer is that my opponent has been endorsed by all the teachers' unions in my district, and I just simply want to say that the teachers' unions have again proven themselves, by their actions, to be more a labor union than an association of concerned educators.

I also rise as a former school board member and two-term school board president in my hometown community and the father of three children, one of whom, Matthew, joins me here on the House floor today.

My experience has given me true respect for the long tradition in this country of decentralized decisionmaking in public education, and I truly can say that I believe in site-based decisionmaking and in site-based management in our schools today. I also recognize, as I think most of my colleagues in this body do, that equality of opportunity in our society begins with access for all children, particularly those from poorer socioeconomic backgrounds, to a sound public education. That is where equality of opportunity really begins in our society.

I also must say, as someone who represents a growing community in California and a State, frankly, which is facing a very severe budget crisis, that there is a genuine need for more taxpayer funding for public education in this country today, particularly to help our schools meet their capital needs, as our plants must expand to accommodate the kids coming into our schools.

Having said all of that, I truly believe that increased Federal aid should be coupled with qualitative reforms such as those contained in the America 2000 proposal put forward by the Bush administration and advocated around the country, as the chairman of the committee was saying, by Secretary Alexander, who I think has done a very admirable job. I think those qualitative reforms ought to include incentives for schools to move toward smaller class sizes and longer school days.

Last, I would like to believe that those school reforms could have contained my amendment as I proposed before the Committee on Rules yesterday, the Parental Responsibility Act. But my amendment was deemed too controversial, so I want to take the remaining moments here to explain to my colleagues exactly what my amendment would have done, and you determine whether, in fact, it is too controversial to be accepted into the leadership en bloc amendment.

My amendment stated that, in order for a local school district to receive funding under the bill, the school district should make, or shall make, available to parents a parental educational responsibility agreement, a very simple contract between parents, teacher, and school. By signing this pledge, parents and schools vow to make every effort to do the best they can for the children. For example, parents and teacher and school contract to make sure the children coming to school are well rested, that they have a quiet place to study, and that they develop studious behavior. Parents take responsibility for attending parent-teacher conferences at schools, and schools have responsibilities as well. The schools would make every effort to welcome parents and offer suggestions to assist parents to adhere to their pledges.

Many may take those goals for granted. I know through my own first-hand experience better that this is unfortunately the exception rather than the rule.

Education does not just happen at school. As I mentioned from my past experiences, I can truly say that it is the rare child that comes into the public school system today with the self-determination and the self-motivation to succeed in that environment, and we need to do all we can to encourage parents to take a greater role in education of their children.

Parents, in fact, are the crucial determining factor as to whether or not children receive a good education in the public school environment today. Parents are failing to fulfill their critical role, and my amendment would address this very real problem in America today.

□ 1140

Mr. KILDEE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I am pleased to support H.R. 4323, the Neighborhood Schools Improvement Act. This bill is the first step in bringing comprehensive reform to our system of elementary and secondary education.

I am also pleased, Mr. Chairman, that my colleagues on the Education and Labor Committee have accepted my amendments on civic and character values as part of the committee's en bloc amendments. I would like to extend my appreciation to Chairmen BILL FORD and DALE KILDEE for their assistance in bringing these amendments to the floor.

Hardly a day goes by in which the subject of values is not debated by Presidential candidates, journalists, and the public. Members on both sides

of the aisle speak about family values in connection with various bills we bring up here in the House. Now, for the first time, Members will have an opportunity to vote on amendments to promote commonly accepted values in our schools. These may be civic values such as justice, equality, love of country; or they may be character values like honesty, integrity, or self-discipline.

I introduced values legislation several years ago when an Ohio high school principal told me this story. He said his high school paper did a series of articles on cheating. Nowhere in the articles was it mentioned, according to this principal, that cheating was wrong. There was no discussion of the ethical dimension at all even though the students had a faculty adviser.

I point to this as a very simple example of why I think values can be promoted in the schools. Do we want to produce writers, who may compose well, research well, work fast, but cannot grapple with ethical questions? Later in life, a journalist is faced with countless questions of ethics. These include running or not running a story; revealing or not revealing a source; and being fair and balanced in the story.

Gandhi said:

> All your scholarship, all your study of Shakespeare and Wordsworth would be vain if at the same time you do not build your character and attain mastery over your thoughts and your actions.

Our civic and character values-in-schools amendments, included in the Kildee en bloc amendments, do three things: First, they establish a national bipartisan Commission on Values Education to examine the issues associated with the teaching of values in our schools. The Commission is charged with identifying civic and character values that are supported by a consensus of the people. It will hold hearings around the country and consider the widest range of values, including honesty, integrity, love of country, and self-discipline. It will not dictate values from Washington or usurp any local control.

Second, our amendments add a 16th point to the list of activities that may be funded through the bill for school reform. It adds programs to "stimulate an understanding of ethics, civic and character values and the principles of democracy as an authorized activity for grants to local educational agencies." Third, these amendments establish an Ethics and Values Demonstration Program under the Secretary's fund for innovation in education. Grants under the demonstration program would be available for a variety of services including teacher training, curricula development, clearinghouses, and followup studies on the effects of values and ethics education.

Mr. Chairman, I am not talking about teaching far leftwing or far rightwing values in this bill. I am talking about telling students that it is wrong to cheat; That it is better to be kind than hurtful; That voting is a responsibility as well as a privilege. Ask your constituents what they think. I guarantee you that most parents want these kinds of issues taught in their schools.

A teacher and constituent of mine, Bob Thum, who testified in support of values education in Ohio and served on the Governor's Commission on Holocaust Education said to me:

> The push to raise test scores must not come at the expense of creating a moral society, for in Nazi Germany leading Nazis were lawyers, physicians, professors, economists, and even theologians. Many graduated top of their class.

Mr. Thom went on to endorse my bill and called for teaching values.

In our efforts to improve education, we should not forget that our forefathers accepted a basic code of ethics that underlies society. The education for democracy project of the American Federation of Teachers [AFT] states:

> Devotion to human dignity and freedom, to equal rights, to social and economic justice, to the rule of law, to civility and truth, to tolerance and diversity, to mutual assistance, to personal and civic responsibility, to self-restraint and self-respect—all these must be taught and learned and practiced.

In 1991, the final report by the National Commission on Children, known as the Rockefeller Commission, cited as a "perverse result" that "a major social institution (schools) entrusted by most parents with preparing children for adulthood is too often silent on critical moral and ethical issues." Both the Association for Supervision and Curriculum Development and the National School Boards Association have spoken out in favor of teaching values.

The Neighborhood Schools Improvement Act includes many excellent provisions to reform education while allowing flexibility and the necessary State and local control. The Kildee en bloc amendments add an important values component which will send a message to the nation that we are serious about developing character and responsibility in our children.

I urge my colleagues to vote for the Kildee en bloc amendments.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, further evidence that this is a Democrat bill and not the President's bill is found in the fact that of the 29 requests that went before the Democrat-controlled Rules Committee, two Republican requests were offered, that of the gentleman from Pennsylvania [Mr. GOODLING] and myself. The rest of the Republican request, 12 in all, were rejected.

They took eight Democrat requests and wrapped them together in this en bloc amendment. They precluded the amendment of my good friend, the gentleman from California [Mr. RIGGS], who spoke earlier, because it was too controversial that parents should have a right to reach an agreement with teachers in a school about what would be the quality of their youngsters' education and what would be the relative responsibility of the parents and teachers in that education. That was too controversial for the Rules Committee.

They included three amendments by the gentleman from Ohio [Mr. HALL], a member of the Rules Committee, on values in education. The gentleman from Ohio [Mr. HALL] has an amendment that is not too controversial for the Rules Committee.

Well, it is controversial with me, Mr. Chairman. I happen to be a parent. I speak with parents all the time, and I can tell you, Mr. Chairman, the parents of America are not concerned that their children are flunking values. They are concerned that their children are not learning to read. They are not learning to write. They are not learning to spell. They are not learning penmanship. They are not learning their mathematics. They are not learning their geography.

And why are the children not learning these things we expect to be the necessary legitimate responsibility of the teachers to impart to these youngsters? Because the teachers find it easier to teach values.

I would submit, Mr. Chairman, that it is the right of the parents, it is the prerogative of the parents, it is the duty of the parents, which the parents accept and assert, to teach values to their own children in their own way without interference.

We, as parents, do want to accept the responsibility and exercise the responsibility to prepare our children for adulthood. We do not want the risk that some enlightened member of the National Education Association will instead prepare our children for adultery, because their values are so flexible and inclusive.

Now, a few points about the debate we have heard. I have been amused by the debate. There is something for everyone.

The Duke University English Department that has been so destructive in American education must have been thrilled when they heard the deconstructionism earlier from one Member of the majority party who gave us the incredible view that choice for parents is totalitarianism. I do not know how you reckon that one, Mr. Chairman, but letting parents be involved in their children's education and to have a choice which school their children will attend is according to the majority totalitarianism. They would rather have a situation where they or

some of their agents in the educational establishment dictate to the parents and to the children which school they will attend.

Now, we had another slip, another misrepresentation earlier. It was said in the debate that there is no difference in the authority that is given to the Secretary of Education under the committee's bill and under my amendment and that offered by the gentleman from Pennsylvania [Mr. GOODLING].

The fact is that the committee bill gives the Secretary only a technical authority to reject plans, not a basis to reject them on the substance of the plan.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

(Mr. BENNETT asked and was given permission to revise and extend his remarks.)

Mr. BENNETT. Mr. Chairman, I rise in support of this legislation, and particularly in support of the en bloc amendments including the amendment of the gentleman from Ohio [Mr. HALL].

Mr. Chairman, I am honored to be a cosponsor of the Hall amendment. It presents a practical course of action in a field of education in which I have long been interested—the teaching of values and standards of behavior. My legislation in this field provided grants to school systems in the field of good citizenship. Mr. HALL's proposal could be broader in scope; and I hope that, in fact, this will be the case.

H.R. 4323 will put the Federal Government more deeply in education than ever before; and my school superintendents have asked my support for it and opposition to the proposed substitutes. I believe this legislation (H.R. 4323) is supportive of our youth and for the future of our country.

Mr. KILDEE. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the bill and of the en bloc amendments.

The committee chairman is to be commended for doing the very best with limited funds and leadership from a White House that was more interested in setting policy by press release.

This legislation seeks to use limited Federal dollars as an incentive for public school districts to undertake coordinated reform throughout the educational system. Mr. Chairman, I urge my colleagues to support this amendment. The Neighborhood Schools Improvement Act is an essential new Federal initiative that seeks to promote systemwide change in public education. A key component in creating that change is through the establishment of panels at the State and local levels which will then develop plans for comprehensive reform.

An important provision in Mr. KILDEE's amendment will prevent an injustice for these States that have already passed and are now implementing education reform laws. It merely allows these States to apply for a waiver of the membership requirements for the State and district committees authorized in H.R. 4323 if a State is already fulfilling the legislation's goals with somewhat differently constituted State and local panels.

This provision in the amendment is not a loophole permitting business as usual. There are a few States, such as Oregon and Washington, that have already enacted sweeping changes in their educational systems. If these States can demonstrate that they are already meeting the goals of H.R. 4323, I'm sure my colleagues in the House will agree that to force them to dismantle already existing committees and form new ones would severely hinder the reform efforts in those States. Without this amendment these States face major disruptions and a loss of momentum in moving ahead with the very educational reforms sought by the bill.

Mr. Chairman, I want to thank Mr. KILDEE for addressing this concern and including it in his amendment. And, again, I urge my colleagues to support this amendment and this very important education reform bill.

□ 1150

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of the Hall amendment. Let me congratulate the gentleman from Ohio [Mr. HALL] for the amendment, and I say to the gentleman from Texas [Mr. ARMEY], who is still in the Chamber, I also rise in support of the Armey amendment. I believe in the Armey amendment. I am going to support it. But on this, Mr. HALL is exactly right.

I would say that Mr. HALL'S amendment may be even more important than the bill that is being taken up. This proposed will help the Nation. It has been said that, "Values are the emotional rules by which the Nation governs itself." These rules such as honesty, tolerance, integrity, and respect organize our personal lives and bring meaning to our relationships with others.

What is wrong today in our Nation's schools? All five of my children attended public school. I do not want a teacher in a public school teaching my children about religion, but on fundamental values of honesty, integrity, "do not steal," and "love your family," "do not lie," "love your countings," "treat people with compassion," I think promoting the above values can be very effective in our public schools.

As the ranking Republican on the Select Committee on Children, Youth, and Families, I can assure my colleagues today that too many children are not learning the rules.

We need to identify a set of core, basic, essential shared values that we as a society are willing to promote—honesty, integrity, "do not steal," do not lie," "do not cheat," "love your parents," "love your country," "treat people with compassion." This is the task of the proposal Commission on Values Education to identify those values that we Americans agree are the most essential to ensuring a personally meaningful life.

I believe that this proposed commission and demonstration project is consistent with the recommendations made by the bipartisan National Commission on Children, that stated that children and adolescents need clear and consistent message about personal conduct and public responsibility.

I should also tell my colleagues on both sides that the National Commission was unanimous, absolutely everyone who was on the commission, everyone—Republicans, Democrats, conservative, liberal—signed this National Commission report.

Clearly it is time that we as a nation renew our commitment to the values of dignity and character. I must say there is no substitute for parents and the values they can teach their children. Noted psychologist Dr. James Dobson has said that, "Values aren't only taught, they are caught" by children. Clearly families have the primary right and responsibility to promote values. But this amendment recognizes that it is time to reinforce these values through our school system, the rules that we as a society expect them to live by—honesty, integrity, compassion, self-respect, responsibility.

This is an important amendment. I commend Mr. HALL. In fact, I hope—and I sense that this bill may be vetoed—I would hope that Mr. KILDEE and Mr. FORD and others could take this amendment out. It is so important that if this bill goes down, it is important to pass the HALL amendment on its own, to move on this issue of such importance to our Nation.

This amendment is something that would be helpful to teach kids, "do not steal, do not cheat, love your mom, love your dad, treat other people with respect, the Golden Rule, 'Do unto others as you would have them do unto you.'" Teach fundamental values.

The proposed Commission on Values Education would be bipartisan and would hold hearings across the Nation to identify what many Americans would agree are the care and basic values that ought to be passed on to our young people. This may not be the perfect solution, but I believe it's something we should give a chance to work.

Again, I want to commend the gentleman from Ohio. I think it is a good amendment. I urge the gentleman from

Texas [Mr. ARMEY] to look at this again.

I support the gentleman from Texas' amendment; the Armey amendment is good, but the Armey amendment with the Hall amendment could be an effective combination for our Nation.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Chairman, I would like to thank the chairman of the full committee, the gentleman from Michigan [Mr. FORD], the chairman of the subcommittee, the gentleman from Michigan [Mr. KILDEE], and the ranking member, the gentleman from Pennsylvania [Mr. GOODLING], for their work on H.R. 4323 and their constant efforts on behalf of America's children.

I also want to thank my cosponsor of the parents-as-teachers bill, Mr. CALLAHAN, the gentleman from Alabama, who worked with me on an early-childhood education program which began in Missouri over a decade ago. This program has helped parents in Missouri and in Alabama and in other States, has helped parents play a greater role in the development of their children.

The benefits of the Parents-as-Teachers Programs are well chronicled in various evaluations and studies. By focusing on the involvement of parents in the early development of their children, parents-as-teachers meets the first national education goal, it prepares all children in America to start school ready to learn.

This provision does not create a new program or bureaucracy or nationalize existing Parents-as-Teachers Programs. What it does is, very simply, provide Federal support through the Secretary of Education for a proven early childhood development program at the State level. The Parents-as-Teachers Program consists of home visits by parent educators who help design an individual program for each family. Parents receive a wide range of useful and understandable information about the development of their children from the third trimester of pregnancy up to 3 years of age. In addition, the program provides periodic health screenings for infants, toddlers, and preschoolers, and gives participating parents an opportunity to meet in groups and share their child-raising experiences.

Parents are the first and most important teachers a child will ever have. As a nation, we must give parents every possible means of assistance to help their children start their life with healthy and curious minds and sound bodies.

Again, I would like to thank the gentleman from Michigan [Mr. FORD], the gentleman from Michigan [Mr. KILDEE], and the gentleman from Pennsylvania [Mr. GOODLING] for their work on this bill, and I urge adoption of the en bloc amendments.

Mr. GUNDERSON. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding.

Mr. Chairman, I do not have any problems with the amendments. In fact, I am a cosponsor, with Mr. HALL, on the values amendment. I appreciate his ongoing interest in this for many, many years, and appreciate his sensitivity and commitment to the issue.

I certainly do not have any problem with the Traficant amendment, which, wherever possible, would buy American paper for kids rather than imported paper products and pencils. I am certainly in support of Mr. KOSTMAYER's efforts to address the issue of the equity of special outreach with the problem of getting women students comparable incentives and instruction in math and science. These are fine amendments. I do not find them controversial. But I do want to remind our Members, however, once again, that the rule, and the en bloc amendment, illustrates what has happened in an area in which we normally are able to come to a very strong bipartisan consensual agreement.

As the ranking member, the gentleman from Pennsylvania [Mr. GOODLING], pointed out, this is the first time in almost two decades—think of that, the first time in almost two decades—we have had a major piece of elementary and secondary education before this floor on which there has not been strong bipartisan leadership in agreement.

I very much regret that the original bill that was reported by this committee was drawn back. To this day I still do not know why that has happened. I do not know why we have before this body today a bill which the gentleman from Montana [Mr. WILLIAMS] said not more than 30 minutes ago, "This bill doesn't provide the leadership we need."

It is a bill which the chairman of the committee says it is not going to revolutionize anything; a bill which the Secretary of Education says the only ones who should be happy are those who want schools to stay forever just the way they are.

We have heard a lot of talk in the general debate about some of the program innovations here that are helpful: Professional development initiatives, health and social services integration; all these things are valid. They are all valuable.

The problem is they miss the point. They miss the point in that the argument over educational reform was to reform the process in such a way that we would begin to look at and hold the educational system accountable by way of its outputs and not just by way of its inputs.

□ 1200

It is as if the automobile industry said, "Continue to buy American even though our cars cost more and the J.D. Power quality index doesn't show them to match the competition."

Now, I can say that has changed, but that kind of logic has not changed when it comes to this bill. What the administration and what the Governors of both parties have called for were break-the-mold schools. There are already over 700 local design teams in place for new American schools. That whole program is slighted by this bill.

I do point out, in terms of the partisan way in which this was handled, there were 29 amendments brought to the Committee on Rules to be considered for incorporation en bloc. Twelve of them were Republican amendments. Instead only eight Democrat amendments were accepted.

The one major Democrat amendment which was rejected happened to be that from the gentleman from Oklahoma [Mr. MCCURDY], who hoped to have Governor Clinton's position on educational choice considered by this House, and the Committee on Rules rejected their own Democrat Governor's hope to put that question before this House as a freestanding "yes" or "no" vote.

So, once again, these amendments in some ways are helpful. I have no problem with them. Some I obviously support, but they do not get to the heart of the matter.

This bill is not a mouse that is roaring. This bill is not even a mouse.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, it has become increasingly more evident that American children are coming up short in regards to primary and secondary education. According to the 1988 International Assessment of Education Progress, on the average, U.S. 13-year-olds scored in the lowest group in both mathematics and science proficiency; the International Association for Evaluation of Education Achievement reported that since the 1960s, scores from the United States have steadily declined as those of Europe have steadily risen in calculus, geometry, and advanced algebra. Within America, one can see evidence of this decline—the average SAT score has dropped from 980 in 1963, to 900 in 1990, with the verbal declining from 478 to 424, and the math, from 502 to 476.

Some would like us to believe that these declines are the result of a lack of spending—that the Government is short changing our children, and by throwing more money in the system these disturbing trends will turn around. Not only do I find this argument to be overly simplistic, but I believe it to be rooted in assumption, and based on no factual precedents.

Over the past years, we have seen an inverse relationship between scoring levels and funding. Total spending on

primary and secondary education was $247 billion in the 1991–92 school year, as compared to $146.3 billion in the 1986–87 school year. Total national expenditures for all levels of education have increased 25 percent since 1989.

America averages $3,238 per student at the elementary and secondary level, ranking fifth in the world behind Switzerland—$3,844, Norway—$3,307, Sweden—$3,293, and Canada—$3,436. One must remember two things when using these comparisons—the differences between our distribution system of moneys for education and the distribution systems of other countries, and the fact that this number represents the current expenditures divided by enrollment in both public, and private schools. More American children go to private schools than any other country in the world, thus making this per capita number lower than the actual resources that reach a child in the public school system.

If quality reflected funding, how does one explain that in 1991, Utah had an average SAT score of 1031, spending only $2,629 per student, whereas the District of Columbia had an average SAT score of 880, spending $7,550 per student?

If quality reflected funding, we would be among the brightest and the best—certainly scoring higher than the Japanese, who only average $1,904 per student, and the Germans who only spend $1,941 per student. But the fact of the manner is that we are not; 13 percent of American students leave high school without minimal reading skills, as opposed to 4 percent of Germans and 1 percent of Japanese.

And here we are today, with an opportunity to address this grave problem—yet, the solution proposed by the Democrats merely reauthorizes this same school system. Even the chairman of the committee has admitted that H.R. 4323 can do nothing to revolutionize the system. Of course, there are some reforms, such as allowing the distribution of condoms at school—but these are not the reforms we need. By seriously considering this legislation, we are demonstrating a complete disregard for the needs and the futures of each and every child in America.

Lately, we've heard a lot about change from the Democrats. But here is a concrete example of maintaining the status quo—the age old solution of putting more money in the system to fix the problem. If the United States had a surplus of money, perhaps true reform and more money would be just the ticket. But this is not the case. We must work within our limits. In order to address the problems we face now, we must institute true reform.

Parental choice is the future in elementary and secondary education. Just like our post graduates are allowed to use Federal moneys at any school of their choice, so should our youths be able to use Federal moneys at the school of their choice.

Choice will give minorities and disadvantaged children opportunities—opportunities presently reserved for only the wealthy. It will not leave the poor behind, but empower them with responsibility, and give them the chance to get out of a school not giving them the quality education they deserve. Choice will involve parents, and allow families to send their children to schools which combine education with the types of values to which they want their children to be exposed.

Choice will spark innovation and force our schools to be responsive to the consumer. Subjecting elementary and post secondary schools to the forces of the free market can only result in higher quality schools, ones that are not guaranteed students, but must earn them. We have seen these forces work in our university system, lets see them work in our elementary system.

Some may argue that choice will leave some children behind. To this I would say, we are already leaving the poor and disadvantage behind in the present system, and choice will give many more of these people the opportunity to advance. Others may argue that such a provision will drain the public school system of money, thereby leaving it worse off then it is now. By making this argument, one is assuming that children will flee the public schools. Such an assumption admits the failure of the present system. To this I would say, have more confidence in our public educators—give them the benefit of the doubt that they will rise to the demands of the free market place.

Some 62 percent of Americans support choice in education. Vote with America and support these much needed reforms.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER], cosponsor of the Kostmayer-Slaughter amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in support of the Kostmayer-Slaughter amendment to ensure gender equity in education reform.

Earlier this year the American Association of University Women and the Wellesley College Center for Research on Women released a study entitled "How Schools Shortchange Girls." Statistics cited in the study are disturbing:

Boys receive more teacher attention and instructional time than girls;

There are no gender differences in math performance at age 9, but substantial differences by age 17.

Boys shout out answers eight times more than girls, but girls who do so are chastised for talking out of turn; and

Girls express strong feelings of insecurity and inability to perform in the classroom.

We must restore the voice and confidence of girls. Under this amendment, education improvement plans will be designed to increase girls' participation in the classroom, encourage their study of math and science, and promote gender equity in curricula.

Please join me today in supporting the Kostmayer-Slaughter amendment to ensure that all our children receive the training and skills they need for their own success, and the future competitiveness and productivity of our Nation.

Mr. KOSTMAYER. Mr. Chairman, today I read in the Washington Post that, despite administration promises, little has been accomplished to over come the glass ceiling which keeps women out of company board rooms and senior positions. It's no wonder the administration has been so unsuccessful, when earlier this year they were confronted by a report demonstrating how schools shortchange girls their response was to tell parents that if they "* * * believe that this is a serious problem, they should send their daughters to single-sex schools."

The report issued earlier this year the by American Association of University Women [AAUW] and Wellesley College found clear evidence that America's education system is not meeting girls' needs.

The report found that although girls and boys enter school roughly equal in measured ability, 12 years later, girls have fallen behind their male classmates in key areas such as higher level mathematics and measures of self-esteem.

It was noted that males in all grade levels receive more teacher attention that girls, and even when they are of equal ability, boys are more often encouraged to pursue continued education and careers in math and science while girls are discouraged.

There is a bias in our education system. This bias translates to a society where full-time women workers earn, on average, 68 cents for every dollar that a man earns, and that female college graduates can expect to earn less than male high school graduates.

When reading over H.R. 4323, a bill to promote reform and innovation in our Nation's schools, I was both surprised and dismayed to see that this issue of gender equity was not even addressed.

My amendment simply makes local education associations [LEA] consider the issue of gender equity when submitting their reform plan and analyzing the impact of their reforms.

Gender equity is an issue in our schools and in society, which must be addressed. In reforming our schools, we must overcome institutionalized sexism which leads to the notion that girls and boys are not equal.

The CHAIRMAN. The Chair announces that the gentleman from Pennsylvania [Mr. GOODLING] has 30 seconds remaining, and the gentleman from Michigan [Mr. KILDEE] has 5½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time, and I will consume that 30 seconds by saying there is no question the Kildee, Sawyer, AuCoin amendments are cer-

tainly amendments that should be considered when dealing with this legislation. My concern is that there were 29 amendments proposed and only 7 accepted, all of which were from the other side of the aisle, and that would be my objection. The others beyond those three, of course, could all be considered during reauthorization of the elementary and secondary education programs next year.

I would also like to say that, as far as the parents as teachers program is concerned, that is what Even Start is all about. It says that we need to operate in a manner in which parents and children are working together so both become more literate and parents learn what it is they have to do to help preschool children to become reading ready. So, that is part of Even Start.

Mr. KILDEE. Mr. Chairman, I have no further requests for time.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I would just like to make the point, and I discussed this with a lot of my friends on this side of the aisle: I will not be calling for a recorded vote on this amendment. It is a very complex matter with the eight Democrat amendments all rolled into one.

But I would like to make the point as I do that, Mr. Chairman, that the fact is there were so many good Republican amendments that should have been scheduled, could have been scheduled, and we should have made the time for a full discussion of all the good ideas, as well as the bad ideas, that we are discussing. Unfortunately the Democrats control the schedule, and they did not make that time available. They did not have time for those Republican amendments.

Nevertheless, Mr. Chairman, we know how this vote outcome would be, and it would be deleterious of me to call for a recorded vote, and I will not do so, but I hope the RECORD will show that I oppose the amendment.

Mr. WHEAT. Mr. Chairman, I would like to thank the chairman of the Committee on Education and Labor, Mr. FORD, the chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, Mr. KILDEE, and the ranking member on the Committee on Education and Labor, Mr. GOODLING, for their work on H.R. 4323 and for their constant efforts on behalf of America's children.

I initially introduced the parents as teachers provision in the last Congress, and I am proud that it is being considered on the floor today. I have discussed this provision with Mr. FORD, Mr. KILDEE, and Mr. GOODLING, and their staffs over the last several months and I appreciate their advice and counsel. Committee members and their staff have had opportunities over the last few years to study this legislation, as well as parents as teachers programs nationwide, and to understand the benefits of the existing parents as teachers programs throughout the United States.

In our national debate about education, we often overlook the most valuable teachers our children could ever hope to find—their parents. Parents as teachers [PAT], an early childhood education program which began in Missouri over a decade ago, has helped parents play a greater role in the development of their children and, in the process, prepare our youngest citizens for the future.

To expand Missouri's pioneering effort—which has already served as a model for 37 States with parents as teachers programs—I would like to urge my colleagues to support the en bloc amendments to H.R. 4323. Parents as teachers programs are based on the principle that parents who take an early and active role in their child's education increase these youngsters chances for academic success and give them a life-long interest in learning. Through coordination with local school districts, this valuable program engages parents in a long-term partnership with their children's schools.

Many of the benefits of parents as teachers programs are well-chronicled in various evaluations and studies. For example:

Children participating in the parents as teachers program consistently outscored their peers who did not participate on measures of intellectual achievement, auditory comprehension, verbal ability, and language ability;

At the end of first grade, children from parents as teachers programs scored significantly higher than the comparison group on standardized reading and math tests;

According to teachers, more parents from PAT programs initiated requests for parent-teacher conferences after their children started school; and

Parents as teachers has also been lauded by the President and Mrs. Bush for its innovation and success.

By focusing on the involvement of parents in the early development of their children, parents as teachers meet the first national education goal—"all children in America will start school ready to learn." Parents as teachers also matches the objectives to meet this goal:

Every parent in America will be a child's first teacher and devote time each day to helping his or her preschool child learn;

Parents will have access to the training and support they need; and

Children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies.

This provision does not create a new program or bureaucracy or nationalize existing parents as teachers programs—it simply provides Federal support through the Secretary of Education for a proven early childhood development program at the State level. By providing matching funds, the Federal Government will encourage States to create and expand parents as teaches programs throughout America. Parents will be able to volunteer for this program regardless of income level.

The parents as teachers program consists of home visits by parent educators who help design an individual program for each family. Parents receive a wide range of useful and understandable information about the development of their children from the third trimester of pregnancy up to 3 years of age. In addition, the program provides periodic health screenings for infants, toddlers, and preschoolers and gives participating parents an opportunity to meet in groups and share their childraising experiences.

The provisions would set up a $20 million competitive grant program for States who wish to create or expand their own parents as teachers program. Roughly 1,000 school districts nationwide could participate in the program with this Federal assistance. The provisions recognizes that States should eventually pick up the cost of the program, and phases out Federal funds for each State program through a declining match at 100 percent, 100 percent, 75 percent, 50 percent, 25 percent, for the 5-year authorization.

The provision would also establish a Parents as Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

Parents are the first and most important teachers a child will ever have. As a nation, we must give parents every possible means of assistance to help their children start life with healthy and curious minds and sound bodies.

Again, I would like to thank Mr. FORD, Mr. KILDEE, and Mr. GOODLING for their work on my amendment and I urge adoption of the en bloc amendments.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Michigan [Mr. KILDEE].

The amendments en bloc were agreed to.

□ 1210

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in the House Report 102-838.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. 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 in the nature of a substitute offered by Mr. ARMEY:

Strike all after the enacting clause and insert the following:

SECTION 1. NEIGHBORHOOD SCHOOLS IMPROVEMENT.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as 9001 through 9005; and

(3) by inserting after title VII the following:

"TITLE VIII—NEIGHBORHOOD SCHOOLS IMPROVEMENT

"SEC. 8001. SHORT TITLE.

"This title may be cited as the 'Neighborhood Schools Improvement Act'.

"SEC. 8002. CONGRESSIONAL FINDINGS.

"The Congress finds that—

"(1) all students can learn and must realize their potential if the United States is to prosper;

"(2) the reforms in education of the last 15 years have achieved good results, but these efforts often have been limited to a few schools or to a single part of the educational system;

"(3) additional pilot projects will have the same limited effect as previous reforms and isolated changes in policy will most likely have minimal impact;

"(4) strategies must be developed by States and communities to support the revitalization of all local schools by fundamentally changing the entire system of education through comprehensive, coherent, and coordinated improvement;

"(5) parents, teachers and other local educators, and community leaders must be involved in developing system-wide reform strategies that reflect the needs of their individual communities;

"(6) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide reform strategies if the Nation is to educate all children to meet their full potential and achieve national goals;

"(7) increasing funding for existing Federal education programs at levels that will enable them to fulfill their mission is a critical part of assisting States and local educational agencies in their school improvement efforts; and

"(8) additional Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing system-wide reform plans.

"SEC. 8003. PURPOSE.

"It is the purpose of this title to raise the quality of education for all students by supporting a 10-year broad based public effort to promote coherent and coordinated changes in the system of education throughout the Nation at the State and local level without jeopardizing funding for existing Federal education programs.

"SEC. 8004. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with the provisions of this title, to make grants to State educational agencies to enable States and local educational agencies to reform and improve the quality of education throughout the Nation. Such grants shall be used to—

"(1) develop innovative educational reform plans, which include State achievement goals, a means for developing or adopting high quality, challenging curricular frameworks and coordinated curricular materials, professional development strategies, and assessment instruments; and

"(2) implement reforms and plans to improve the education system at the State and local levels.

"SEC. 8005. APPLICATION.

"(a) IN GENERAL.—If a State desires to receive assistance under this title, the State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall cover a 5-year period.

"(b) CONSIDERATION OF APPLICATIONS.—Each such application shall—

"(1) contain satisfactory evidence that the State educational agency has or will have authority, by legislation if necessary, to implement the plan required under section 8006;

"(2) provide an assurance that the State has a strategy for ensuring broad participation in the planning process, including parents, students, teachers, principals, superintendents, local school board members, representatives of the employment and training network, the deans of colleges of education, representatives of community-based organizations, testing and curriculum experts, the director of the State office responsible for teacher certification, and the director of the State human services agency, to establish the goals and to refine them in the future, as well as participate in the development of all other components of the plan;

"(3) provide an assurance that the State will notify the public (including individuals with limited English proficiency), through print and electronic media and the local educational agency through actual notice—

"(A) that the State has made application for funds under this title;

"(B) of the purposes for which the funds will be used; and

"(C) that the State is developing a plan under section 8006;

"(4) provide an assurance that all students will have equal access to the curricular frameworks, high quality curricular materials, and well-qualified teachers;

"(5) describe actions taken and resources identified or committed to meet the requirements of this title;

"(6) provide an assurance that the applicant will prepare and submit to the Secretary, annual evaluations of and reports concerning the State program; and

"(7) provide an assurance that the State will carry out the provisions of section 8006.

"(c) APPROVAL.—The Secretary shall approve an application and any amendment to the application if the application or the amendment to such application meets the requirements of this section and is of sufficient quality to effect substantial reform of elementary and secondary education in the State. The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REAPPLICATION.—(1) A State educational agency may apply for assistance for a second 5-year period and such application shall be approved by the Secretary if the State—

"(A) has met all of its reporting requirements; and

"(B) demonstrates that it has made reasonable progress in carrying out its plan.

"(2) The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"SEC. 8006. DEVELOPMENT AND APPROVAL OF STATE PLAN.

"(a) ESTABLISHMENT OF PANEL.—Each State program assisted under this title shall establish a panel to develop a statewide reform plan. Such panel shall consist of—

"(1) the chief executive of the State (or designee);

"(2) the presiding officers and the minority leaders of the State legislature (or designees);

"(3) the chief State school officer;

"(4) the head of the office that coordinates higher education programs in the State or, if there is no such office, the head of the office designated under section 2008 of the Dwight D. Eisenhower Mathematics and Science Education Act (20 U.S.C. 2988) (or designee); and

"(5) individuals selected by the chief executive of the State, including representatives from the following groups and organizations:

"(A) Teachers.

"(B) School administrators.

"(C) Local school boards.

"(D) Parents.

"(E) Businesses.

"(F) State board of education.

"(G) Students.

"(b) ADDITIONAL MEMBERS.—(1) The first meeting of such panel shall be convened by the chief executive of the State. At such meeting, the panel members designated and nominated in subsection (a) may select additional panel members, including the chairpersons of the State legislative committees with jurisdiction over education, individuals reflecting the ethnic and racial diversity of the general population of the State, and (except in the case of a State with a single local educational agency) an individual nominated by representatives of the 5 local educational agencies with the highest number of students eligible for services under part A of chapter 1 of title I of this Act.

"(2) The membership of the panel shall be geographically representative of all areas of the State and shall not exceed 25 in number.

"(3) The chief executive of the State shall serve as the chairperson of the panel and determine a meeting schedule.

"(c) DEVELOPMENT OF STATE PLAN.—(1) The panel shall develop a plan that—

"(A) establishes State goals to maximize achievement for all children in conjunction with national educational goals;

"(B) establishes curricular frameworks in specific subject matter areas that incorporate the goals established under subparagraph (A);

"(C) provides for the development or adoption of instructional materials to assist the implementation of the curricular frameworks;

"(D) allocates resources to implement such a system-wide reform plan;

"(E) provides for the establishment or adoption of a valid, reliable, and fair assessment system based upon the curricular frameworks that is capable of accurately measuring the skills and knowledge required to meet State goals;

"(F) provides for professional development strategies necessary for achieving the State goals;

"(G) establishes a process for reviewing Federal, State, and local laws and regulations and for recommending changes in such laws and regulations to further state-wide reform;

"(H) provides a process for selecting local educational agencies for participation in local system-wide reform efforts;

"(I) provides for the development of objective criteria and measures against which the success of local plans can be evaluated;

"(J) provides for the ongoing evaluation of the effectiveness of the State plan in closing the gap between high and low achieving students to be assessed using achievement and other measures such as attendance, grade retention, and dropout rates;

"(K) provides for the availability of curricular frameworks, curricular materials, and professional development in a manner ensuring equal access by all local educational agencies in the State;

"(L) describes the steps the State educational agency shall take to ensure that successful programs and practices supported by subgrants awarded to local educational agencies under this title shall be disseminated to other local educational agencies in the State;

"(M) provides for the development of an adequate research, training, and evaluation capacity within the State to further the purposes of this title; and

"(N) describes methods of coordinating health and social services with education through State interagency cooperation and agreements.

"(2) In developing the plan, the panel shall—

"(A) emphasize outcome measures rather than prescribing how the State and local educational agencies should achieve such outcomes;

"(B) review recent innovations by other States and by national professional subject matter organizations in educational goals, curricula, and assessment nationally;

"(C) review existing Federal education programs and how they can contribute to the State plan; and

"(D) ensure broad-based participation through regular notice and dissemination of information to the public (including individuals with limited English proficiency) using print and electronic media.

"(3) Following the development of the plan, the panel shall seek public comment by—

"(A) publishing the plan with a comment period of at least 60 days, or

"(B) notifying the public through electronic and print media and conducting regional hearings.

After providing the public with an opportunity to comment on the plan, the panel shall consider the public comments and make appropriate changes.

"(4) The plan shall be submitted to the State for review and approval by the State educational agency, except that any changes to such plan shall be made with the concurrence of the panel. Prior to implementing the plan, the State educational agency shall submit such plan to the Secretary for approval. In the event that the State has previously accomplished any of the reform activities required under this title in a specific subject area or set of grade levels, the State is not required to include them in the plan but shall include a request for a waiver, including a description of such accomplishments.

"(5)(A) The Secretary shall approve a State's plan if such plan—

"(i) meets the requirements of this section; and

"(ii) provides evidence that the State has, or will have, the resources necessary to carry it out.

"(B) The Secretary shall not finally disapprove a plan or an amendment to such plan except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REVIEW OF STATE PLAN.—The panel and the State educational agency shall review on an ongoing basis, the implementation of the State plan for the period during which the State receives funding under this title. The results of such review shall be prepared in writing by the panel and included by the State in its annual report to the Secretary under section 8013(a).

"SEC. 8007. STATE USES OF FUNDS.

"(a) USES OF FUNDS.—Funds allotted by the Secretary under section 8011(a) and State and private funds contributed to make up the total cost of a State program as provided in section 8011(b) shall be used by a State with an approved application for the following purposes—

"(1) development and implementation of the State plan, including the establishment of State goals, curricular frameworks, and assessment systems;

"(2) activities of the panel (including the travel expenses of the members of such panel);

"(3) subgrants to local educational agencies;

"(4) technical assistance (including dissemination of information) to local educational agencies to assist in developing and carrying out their plans; and

"(5) evaluation, reporting, and data collection.

"(b) LOCAL EDUCATIONAL AGENCIES.—In the first year that a State receives an allotment under this title, the State educational agency may make subgrants for the purpose of developing local plans as provided in section 8008 consistent with section 8006(c)(1)(H). In the second year, and in each succeeding year, from not less than 75 percent of the total cost of a State's program, the State educational agency shall make subgrants to local educational agencies which shall include—

"(1) at least one local educational agency in each congressional district shall receive a subgrant; and

"(2) the local educational agency with the greatest number of disadvantaged children in the State shall receive a subgrant.

"SEC. 8008. DEVELOPMENT AND APPROVAL OF LOCAL PLANS.

"As described in the State reform plan, and based upon the recommendations of the panel established under section 8006, the State shall make subgrants to local educational agencies based upon a locally developed plan which—

"(1) describes the process used to ensure broad-based community participation in the development of the local plan;

"(2) provides assurance that the local educational agency shall provide for an ongoing evaluation of the effectiveness of the plan in meeting State and local goals, and that it will annually review its local plan and make changes where needed;

"(3) proposes district-wide reform which includes—

"(A) the development of a curriculum to implement the State's frameworks;

"(B) the setting of local goals;

"(C) the identification or development of instructional materials;

"(D) the provision of teacher and administrator training; and

"(E) the identification of assessment instruments to measure progress toward meeting State and local goals."

"SEC. 8009. LOCAL USES OF FUNDS.

"A local educational agency which receives a subgrant under this title shall use the funds for the purpose of district-wide reform, consistent with the State and local plans. Authorized activities may include—

"(1) New American Schools which reflect the best available knowledge regarding teaching and learning, which use the highest quality instructional materials and technologies, and which are designed to meet national, State, and local educational goals as well as the particular needs of their students and communities;

"(2) systems such as merit schools which reward schools with students who, as a group, demonstrate improved performance on curriculum related outcome measures that assess only basic cognitive skills accepted by States or developed in the State assessment process;

"(3) choice programs which permit parents to select the public, private, or parochial school that their children will attend; and

"(4) site-based management involving teachers, professional staff, and parents and emphasizing alternative certification to permit maximum decisionmaking at the individual school level;

"SEC. 8010. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this title, there are authorized to be appropriated $700,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal years 1993 through 2001.

"SEC. 8011. ALLOTMENT OF FUNDS.

"(a) TO STATES.—(1) From funds appropriated under section 8010, the Secretary shall allot to the Secretary of the Interior for each fiscal year an amount equal to ¼ of 1 percent of the funds appropriated, not to exceed $2,000,000 in any fiscal year, to benefit Indian students enrolled in schools funded by the Department of the Interior for Indian students. The provisions of subsection (b) of this section shall not apply to payments made under this paragraph.

"(2) From the remaining amount appropriated under section 8010, the Secretary shall make annual grants to States with approved applications based on a competitive formula established by the Department of Education.

"(b) MATCHING REQUIREMENT.—(1) The Federal share under this title may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this title;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this title;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this title;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this title; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this title.

"(2) The remaining cost of a program that receives assistance under this title shall be paid by the State from State funds and may include contributions from the private sector.

"(3) The share of payments from sources other than funds appropriated under this title may be in cash or in kind fairly evaluated.

"(4) The requirements of this subsection shall not apply to the Virgin Islands, the Commonwealth of Puerto Rico, or Pacific outlying areas.

"(c) MAINTENANCE OF EFFORT.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(d) ADMINISTRATIVE COSTS.—From its annual allotment, a State may reserve for administration (not to include the activities of the panel) an amount not to exceed 4 percent or $250,000, whichever is greater.

"(e) ASSURANCES AND TERMS.—(1) The funds allotted to the Secretary of the Interior under subsection (a)(1) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines will best achieve the purposes of this title. The agreement shall contain an assurance that—

"(A) a panel, as set forth in paragraph (2) of this subsection, shall be established;

"(B) a plan as required in section 8006 shall be developed by such panel; and

"(C) the provisions and activities required under sections 8006 and 8007 shall be carried out in the same time frames stipulated for the States in those sections, provided that the term 'local educational agencies' shall be interpreted to mean 'schools funded by the Bureau of Indian Affairs'.

"(2) To carry out the provisions of this title, and to develop the plan required under the agreement with the Secretary required in paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs to develop a system-wide reform plan. Such panel shall consist of—

"(A) the Assistant Secretary of the Interior for Indian Affairs (or designee);

"(B) the chairpersons and ranking minority members of the Committee on Education and Labor of the House of Representatives and the Select Committee on Indian Affairs of the Senate (or their designees);

"(C) the Director of the Office of the Indian Education Programs of the bureau of Indian Affairs and such heads of divisions in such office as the Director shall designate;

"(D) a representative nominated by each of the following—

"(i) the organization representing the majority of teachers and professional personnel in Bureau-operated schools;

"(ii) the organization representing the majority of nonteaching personnel in Bureau-operated schools, if not the same organization as in clause (i);

"(iii) school administrators of Bureau-operated schools;

"(iv) education line officers located in Bureau area or agency offices serving elementary or secondary programs;

"(v) the organization representing the majority of Bureau-funded contract or grants schools not serving students on the Navajo reservation;

"(vi) the organization representing the majority of Bureau-funded contract grants schools serving students on the Navajo reservation;

"(vii) the organization representing the school boards required in Bureau-operated schools, not serving students on the Navajo reservation; and

"(viii) the organization representing the school boards required in Bureau-operated schools, serving students on the Navajo reservation.

In addition, the members of the panel stipulated above shall designate for full membership 3 tribal chairmen (or designees) or representatives of 3 national organizations which primarily represent national Indian education concerns, or a combination of these 2 classes, provided that the National Advisory council on Indian Education, established under the Indian Education Act of 1972, Public Law 92-318 (as amended), shall not be included as an organization for consideration under this provision.

"(f) SPECIAL PROVISION.—Not less than 25 percent of the amounts made available to local educational agencies under this title shall be used for choice programs.

"SEC. 8012. AVAILABILITY OF INFORMATION AND TRAINING.

"(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

"(1) a State educational agency or local educational agency which uses funds under this title to develop goals, curricular frameworks, curricular materials, and assessments shall, upon request, make information related to such goals, frameworks, materials,and assessments available to private schools; and

"(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in its plan for the training of teachers and administrators of private schools located in the geographical area served by such agency.

"(b) WAIVER.—If, by reason of any provisions of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and curricular frameworks for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of this Act.

"SEC. 8013. ANNUAL PROGRESS REPORTS: TECHNICAL ASSISTANCE.

"A State which receives funds under this title shall annually report to the Secretary—

"(1) regarding such State's progress in meeting its goals and plan;

"(2) describing proposed activities for the succeeding year; and

"(3) describing Federal regulations which may impede reform activities under this title as described in local plans approved by the State.

"SEC. 8014. REPORT TO CONGRESS.

"The Secretary shall submit annually to the chairperson of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that contains—

"(1) a description of the progress that States receiving funds under this title have made in developing and implementing their plans;

"(2) information from State and local reports regarding requirements in Federal law or regulation which have been identified by States and local educational agencies as impeding the system-wide reform schools under this title; and

"(3) a list by State of average per pupil expenditures reflecting the most recent data reported under section 8013(b) and reviewed under section 8013(d).

"SEC. 8015. GENERAL PROVISIONS.

"Nothing in this title shall—

"(1) supersede State law;

"(2) be construed to exempt a State or local educational agency that receives funds under this title from the requirements of subsections (a) or (b) of section 439 of the General Education Provisions Act (20 U.S.C. 1232h); or

"(3) be construed to authorize any department, agency, officer, or employee of the Federal Government to—

"(A) exercise any control over the curriculum, program of instruction, administration or personnel of any educational institution or school system; or

"(B) prescribe the use of a particular examination or standards.

"SEC. 8016. DEFINITIONS.

"For purposes of this title:

"(1) The term 'assessment system' means a system for measuring the abilities and academic achievement of students that is based upon a set of curricular frameworks and the expected outcomes embodied therein.

"(2) The term 'curricular framework' means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level.

"(3) The term 'Pacific outlying area' means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until such time as the compact of Free Association is ratified).".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas [Mr. ARMEY] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes. Is the gentleman from Michigan [Mr. KILDEE] opposed to the amendment?

Mr. KILDEE. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. Twenty minutes will be allocated to the gentleman from Michigan [Mr. KILDEE].

The gentleman from Texas [Mr. ARMEY] is recognized for 20 minutes.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said earlier, this bill under consideration today is not the President's bill. It has only a vague similarity to the President's bill, and that similarity primarily is in the fact that it is spending, once again, the taxpayers' money.

I am trying to offer an amendment in the nature of a substitute that reintroduces the President's bill, America 2000, which was first introduced in Congress 466 days ago.

It is a shame that in considering this subject of education that the President's bill, the President's work, and the output of the Governors' conference was given such narrow and such limited consideration. In fact, I think the chairman of the committee confessed to killing the bill because he was irritated by something the administration was saying.

What I am doing in my amendment in the nature of a substitute is trying again to wed accountability and authority. The problem we have in education today is there is not enough of a wedding between accountability and authority. We as parents do not know who is responsible. We only know that the results are not satisfying to us.

So I would accept the proposition of a local panel that will determine innovative ways in which they might spend this money in order to improve education in their local community. My amendment focuses on four options by which that innovation might take place.

The controversial option and the one that so offends the National Education Association is the option for choice. Nobody is mandated by my amendment, as nobody was mandated in America 2000, to accept choice as one of those four options. But they have the

right in this local panel to put together a choice option.

Those choice options will include first and foremost choice among alternative public schools. Public schools will be first and foremost the primary benefactors of choice, because competition among public schools will only make them better.

So choice does not threaten the quality of public schools. It offers us an opportunity to build in incentives to improve public schools, and they would enjoy the greatest improvement.

But also that local panel might include, if it chooses to do so, and it is not required to do so, private schools, and, yes, even parochial schools.

Then we have the other innovations that were in America 2000 such as new American schools and such as alternative certification for teachers. That is to say that an individual that happens to be a competent, able mathematician might be considered qualified to teach mathematics to children irrespective of formal education requirements in education courses mandated by the education establishment.

It also allows for the setting of national standards in testing.

It also says that once the local community panel has put together their plan for improving their schools, that they can make application for this fund through a Governor's commission that has the Governor in charge of the commission. This is substantially different from the bill we are looking at today where the Governor is merely a member of the committee with no more standing than the student representative.

Why do I insist the Governor should be in charge of the commission? Because the Governor will be held accountable by the people in his State for the success or failure of the schools, and therefore he should have the authority to sit and preside over this panel asserting the power of his office to the end of improving schools.

Subsequently, if the Governor's panel accountable to the people, accepts the plan from the local communities, they may then pass it up to the Secretary of Education. Again the person who will be held accountable is given the authority to accept or reject the plan.

The only requirement I have is that as we implement the plan, 25 percent of the funds should be made available for choice. Those school districts can decide among them who would like to participate with choice as their avenue for participation.

This substitute is supported by: Coalition for America, the Family Research Council, Concerned Women of America, Citizens for Education Freedom, and the Traditional Values Coalition.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Ms. SLAUGHTER). The gentleman from Michigan [Mr. KILDEE] is recognized for 20 minutes.

Mr. KILDEE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to the amendment.

This amendment is very similar in effect to the one that the committee rejected overwhelmingly during the consideration of H.R. 4323.

It would give the Secretary too much influence over the content of State plans by authorizing grants on a competitive basis.

Finally, it mandates that the Governor coordinate the establishment of the State reform panel, including the direct appointment of many of its members.

The purpose of the State panels is to bring new players into the development of the statewide reform plans to work with State and local educators—not to enhance the role of one of these authorities over the others.

In contrast, the committee bill allocates grants to the States according to a formula.

The Armey amendment would restrict local uses of funds to America 2000 activities.

This would greatly limit the discretion of local education authorities to decide how best to use funding provided under the bill, and would represent an inappropriate degree of Federal direction over the content of local educational reform.

I reserve the balance of my time.

Mr. ARMEY. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, one of the problems we have so often is we see the malfeasance of the Government and the institutions of our Government is that we have purposely designed its institutional structure in such a way as to separate authority from responsibility and accountability. That, of course, shows up in this incredible budget deficit that we experience.

Congress has the authority to spend all the money; the President is left with ceremonial trappings and accountability. Therefore we have the irresponsibility that gives us these deficits that go on forever.

We have the same problem in education. My amendment says if you are going to hold somebody accountable, and who better than an elected official or the Secretary of Education, then give them the authority to determine what will be the product by which they will be held accountable.

That bothers the Democrats because they cannot stand a wedding of authority and accountability, and they cannot stand the thought that a Republican, the Secretary of Education or a Governor, might have his hand on an educational lever.

□ 1220

Let me also point out, Madam Chairman, that this Nation spends over $330 billion on public education, most of it, thank God, spent at the local level and at the State level. But some $40 billion is spent at the Federal level. And this bill has jurisdiction over $700 million for specific projects.

I hardly say that if we give the Secretary of Education authority under this bill that he is, therefore, going to be concluded to have had control of the Nation's entire education system. That is pure rubbish.

Mr. KILDEE. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a great friend of education.

Mr. GUNDERSON. Madam Chairman, I would like to, I guess, address my comments at this time to my Republican colleagues to make sure they all understand that the amendment offered by the gentleman from Texas [Mr. ARMEY] is not the original America 2000 proposal advocated by the administration which made choice an option. It is certainly not the so-called Sununu agreement that allowed choice to be an option of the local education agency.

This is a mandate that 25 percent of all educational reform or America 2000 funds must go for school choice, private and religious school choice. I happen to think that is wrong.

The first reason I think that is wrong is because choice for the sake of choice with no regard to quality is a mistaken premise upon which we should not build any Nation's education reform proposal. Second, I think it is important to understand that when we have kind of focus on choice, we destroy the comprehensive integrity of the America 2000 educational reform initiative.

Third, choice ought to be an option, not a mandate or a goal in itself. Fourth, choice, as advocated by this particular provision, simply does not work in rural America. It may work in a few of our inner-city areas, but it does not work in rural America. Fifth, choice, which goes beyond public and private schools to include religious schools, I have to tell my colleagues, raises serious constitutional questions.

Finally, choice which is directed at all students, regardless of income, brings into serious question a priority of where our limited Federal funds ought to go.

That is what I really think we ought to look at here today. If we are for the concept of choice, I think we ought to understand that we today are looking at a chapter 1 program that is $6.7 billion short of full funding. We are looking at a chapter 2 program, a block grant program that is $240 million short, and we are looking at a Head Start Program that is $5.2 billion short, a $12 billion shortfall on those three basic bipartisan commitments to early intervention on behalf of children. And we are going to mandate that 25 percent of any new funds go to choice.

I think it is the wrong time and the wrong mandate.

Mr. KILDEE. Madam Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Madam Chairman, I thank the gentleman for yielding time to me.

What we really ought to know is what the amendment before us is and is not. I would like to talk just briefly about that.

As the gentleman from Wisconsin has just observed, it is not the President's original proposal. It is quite different, indeed.

What it does do that causes us trouble is require the funding of private school choice; not permit, but require that 25 percent of each local grant will be used in private schools as well as public schools.

It says that funds available for school reform would be reduced by $100 million, and the Secretary of Education would be given the board authority to decide whether to fund State or local reform plans and how much funding to allocate.

I would remind the Members of the House that when we have considered in past years elementary and secondary education legislation, one of the most frequent complaints from opponents of that legislation has been, "You people are advocating giving power to somebody in Washington to tell local and State officials that we select to run our schools what to do and how to do it."

We have tried to respond over the years to those critics by staying out of the hair of State and local officials.

I might point out to the gentleman from Texas [Mr. ARMEY] that he is proud of the fact that he gives all 50 of the Governors primary responsibility for education reform. Twenty-eight States, by their constitution, have taken that power away from the Governor and given it to an appointed State board of education to select the chief State school officer. Seven States have an official separate from the Governor but nevertheless appointed by the Governor. Eight States pick the primary education person by a partisan ballot, and five, by a nonpartisan ballot. One of those is California, where it is not infrequent to find the Secretary of Education or a Commissioner of Education and the Governor from different political parties.

Now, if we want to go out there and try to tell all of the 50 States that their constitutions are wrong and that we know better in Washington who ought to be running education in their States, we will vote for the gentleman from Texas [Mr. ARMEY], and we will be doing that. And we will see the States, I am sure, react very strongly to that.

The gentleman from Texas [Mr. ARMEY] makes no distinction between profit-making private schools and private nonprofit schools, which most of us in the Midwest are familiar with, which tend to be church-operated schools, Catholic, Baptist, Lutheran, Hebrew day schools, various church-related groups that have for many years operated an alternative form of education for the public school system but nevertheless meet all of their requirements for certification of teachers and other things that the public schools meet.

The gentleman from Texas [Mr. ARMEY] will open that up further for for-profit private schools. The traditional way of defining private schools for educational funding was private nonprofit schools. Maybe that is a part of the reason that I have this interesting letter, in March, from the U.S. Catholic Conference. The U.S. Catholic Conference does not support the Armey amendment or any amendment like it.

Back in March, when we were still actively debating this issue in the committee, I received, from Sister Lourdes Sheehan, secretary of education of the U.S. Catholic Conference, a letter which says, in part:

> We also recognize that this issue unfortunately has been pushed to the forefront of the domestic public policy agenda in the highly partisan context of a Presidential election year. Because of this context a balanced debate on the merits of the issue necessarily has been overshadowed by larger political considerations. Given these circumstances we do not believe that this is the most opportune time for us to continue to participate in any further congressional debate on the issue of school choice.

The U.S. Catholic Conference told us that this well was poisoned after the Senate considered the bill, and why?

The gentleman from Wisconsin mentioned the so-called Sununu compromise that I attempted to negotiate through the ranking Republican on my committee, and we thought we had an understanding that was very similar to the language in the gentleman's substitute that he offers today.

□ 1230

We interpreted that language to leave the question of whether they were going to share their scarce school dollars with private schools to local and State education authorities.

However, after the defeat of the choice amendment on the floor in the Senate, spokespersons for the administration characterized the bill in its form then in our committee as the Ford bill and said that, "The Ford bill did in fact permit or require public money to be spent in private church-related schools."

I have never supported the proposition of public money being used in private church-related schools that have as a primary function the teaching of any particular religion. If I had supported that, the Court has said over and over again during my adult lifetime that it is wrong because it violates the separation of powers, provisions of the first-amendment of the Constitution.

I think we have done very well by these private schools over the years by keeping them out of the courts. The interesting result we would get if we adopted the amendment, the substitute of the gentleman from Texas [Mr. ARMEY], is that the courts will not let the church-related schools get any of this money. If they do not get it, and 25 percent has to be spent on private schools, who will get it? I will give the Members a name. If they are not familiar with them, they are going to hear a lot more about them: The Edison project of Whittle Communications, a company riddled with former Reagan administration and Bush administration Department of Education officials who are going to operate a for-profit elementary and high school system in this country, and some of the material they are putting out to encourage investors suggests that they expect a profit of 15 percent on their investment.

Who will get the money that the gentleman from Texas is mandating be set aside if the courts, which have spoken very recently through the gentlewoman on the Court, and very emphatically, saying it cannot use a penny of this with a church-related school; if not them, who? It will be the private nonchurch-related schools. In the East there are several of those that are nonsectarian. They are private but they are nonprofit as well.

For the first time we see coming on the scene people who want to get into the business of teaching elementary and high school children, not because they want to give them religious guidance or values training, but because they want to make a profit, and they are promising prospective investors that there is a fat cow to be slaughtered out there, and they know how to do it.

The gentleman's amendment, I suggest, just coincidentally came on the scene at the same time that all these representatives were being made by Whittle and Associates for what they were going to do with their new profit-making school and venture. If the Members want that kind of competition to the public schools, I suggest that the Members are very badly misled on what the future of this country ought to be and what it in all likelihood will be.

Mr. Chairman, I include for the RECORD the letter from Sister Lourdes Sheehan, R.S.M., and other materials referred to:

U.S. CATHOLIC CONFERENCE,
DEPARTMENT OF EDUCATION,
Washington, DC, March 12, 1992.

Hon. WILLIAM D. FORD,
Chairman, House Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you concerning legislation pending in the House of Representatives dealing with the reform and improvement of elementary and secondary education. It is our understanding that the bill which has been approved and reported out of the Education and Labor Committee is being reconsidered by your Committee before being taken up by the full House. We also understand that the new version of this legislation will not include any explicit provisions addressing the use of newly authorized federal funds for "school choice" programs.

We would like to share our views with you about certain aspects of this legislation. As you know, the Catholic school community has taken an active interest in the issue of educational choice for all parents particularly as it arose in the recent Senate debate on S. 2. Our community has a long history of advocating for the primacy of parental rights and choice in determining the most appropriate education for their children. As a major partner in American education, we also have a keen interest in current efforts to improve and reform all of education in our nation. We believe that Catholic and other nonpublic schools offer a demonstrated record of success in providing effective alternative methods of educating significant numbers of children throughout our nation's history. This statement is especially true with respect to the poor and disadvantaged in the urban and rural areas of our nation.

It is because of this tradition that we believe that enhanced parental choice is one major factor in increasing accountability and the improvement and reform of all schools. Consequently, we were pleased that you, as Chairman of the House Committee on Education and Labor agreed to authorize the use of funds for this purpose in your original bill, H.R. 3320. We know you accepted this approach because of your belief that these kinds of decisions should be left to state and local public education authorities.

We also recognize that this issue unfortunately has been pushed to the forefront of the domestic public policy agenda in the highly partisan context of a Presidential election year. Because of this context a balanced debate on the merits of the issue necessarily has been overshadowed by larger political considerations. Given these circumstances we do not believe that this is the most opportune time for us to continue to participate in any further congressional debate on the issue of school choice.

We thought you would appreciate knowing our views on this important matter at this point of the Congressional debate. We look forward to continuing our discussions with you and the members of your committee on further refining and improving the reform legislation as well as the larger task of the reauthorization of the Elementary and Secondary Act in the next Congress.

Wishing you the best in your continuing leadership role in education policy.

Sincerely,

SISTER LOURDES SHEEHAN, RSM,
Secretary of Education.

STATE EDUCATION GOVERNANCE—METHOD OF SELECTION OF CHIEF STATE SCHOOL OFFICER

Twenty-eight States (28) appointed by State board of education: Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, Ohio, Rhode Island, South Dakota, Utah, Vermont, Texas, West Virginia.

Seven (7) appointed by the Governor: Iowa, Maine, Minnesota, New Jersey, Pennsylvania, Tennessee, Virginia.

Nine (9) by partisan ballot: Arizona, Georgia, Indiana, Montana, North Carolina, Oklahoma, South Carolina, Wyoming, Florida.

Six (6) by non-partisan ballot: California, North Dakota, Oregon, Washington, Wisconsin, Idaho.

OPPOSE ARMEY SUBSTITUTE TO H.R. 4323

Private school choice must be funded with at least 25 percent of each local grant.

Funds available for school reform would be reduced by $100 million.

The Secretary of Education is given the broad authority to decide whether to fund State or local reform plans and how much funding to allocate.

Governors are put in charge of school reform at the State level (including the selection of many of the members of the reform panel) if the Secretary decides to fund a State.

Local school districts are limited to only four authorized uses of funds and are required to fund private schools.

There is no authority—even on a limited demonstration basis—to ease federal rules and regulations.

There is no authorization for the National Education Goals Panel or the development of voluntary national education standards.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I urge my colleagues to vote for real reform in education by supporting the amendment offered by my colleague, Mr. ARMEY.

We keep hearing about change, that it is time for change. I want to remind my colleagues that the Bush administration and many on this side of the aisle have been proposing exactly that sort of change for quite a while now. Today, we have the perfect opportunity. We have the vehicle before us to signal to the Nation that the Congress means business, that we won't tolerate doing more of what didn't work in the past. We can prove to the Nation that this body is not afraid of innovation, that we do not always fight change.

This is our chance to demonstrate that Congress is serious about reforming the schools of our Nation. Sure, we can tinker in small ways with our schools and hope it works out. But all the scholarly studies—and the American people—tell us we need to get serious about major reforms in our schools.

We are faced with two alternatives: A program for funding the status quo, H.R. 4323, or a substitute that would launch our schools in a new direction. When it comes to our education bureaucracy, it surely is time for a change, We can support serious education improvement by adopting the Armey amendment.

Lately, we have heard much talk of investment in education. That's good. But investors use thorough and precise techniques to evaluate an investment opportunity before committing even a single dime. That is what investment involves: An objective analysis of each alternative, a weighing of the benefits and costs.

H.R. 4323 as it stands right now simply doesn't make the cut. Pouring additional funding into educational approaches that have not worked before is not a wise investment.

But the Armey amendment would produce genuine reform by adopting some new approaches. It will focus reform on site-based management, alternative certification, merit testing, and New American Schools. The amendment will involve the State's Governor in his or her proper constitutional role in education matters. And it will enable the Secretary of Education to ensure that reform plans stay focused on meaningful activities.

The Armey amendment will put the power over a child's education where it belongs: with the family. Schooling is too important a decision to be left to the accidents of city zones or to the education bureaucracy. Mom and dad should decide what is best for their own children.

This amendment will produce serious change. It will provide freedom and opportunity for parents. We know what kind of things work in education. Now we can stimulate our schools to actually do them.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in opposition to the Armey amendment. We begin this debate today with two very stark realities. First, we are operating in an environment of constrained resources, so we cannot make the old initiatives which perhaps the educational crisis in America cries out for.

Second, we have to understand that educational reform is and should be primarily a local initiative. I believe, though, that looking at the Armey bill, it does not present an agenda for reform. Rather, it is an amalgamation of slogans. The bill restricts possible choice of reform to four very narrow channels, New American Schools.

New American Schools have been debated for months now. To me they are the Potemkin village of educational reform. A very clever prime minister for Catherine the Great, to deceive her into thinking that all things were well, created sham villages and then would parade her by.

In some respects this is what New American Schools are, because they fail to grasp the fact that education in the United States is a system, and improving one school without paying at-

tention to systematic effects will not result in true education reform.

There is discussion of site-based management and alternative certification. Unclear in terms of the concept at this moment, I wonder if it means that principals will no longer have to respond to local school committees. Is that what site-based management means?

Then, of course, there is school choice. School choice in the context of public education is not very novel. Most systems have magnet schools. Most systems offer opportunities for parents to choose to move their children.

What is novel in this approach is that it opens it up to private schools, in effect abandoning public education. We all recognize there is a crisis in public education, but emphasis on choice is essentially not attempting to fix the plane, but just to pass out parachutes, and probably pass out parachutes to those who least need them.

All of these things argue against this bill very strenuously. There are other things that are lacking in this bill. There is no flexibility in Federal regulations. Such a program or pilot program has been proposed in the Kildee bill.

Indeed, we have heard this afternoon discussion time and time again about accountability, "We must have accountability. We must have accountability." Yet the Armey amendment is terribly deficient in setting standards.

Just last week we had the headmaster of the Boston English School, a public school in Boston with low-income students. I asked this gentleman, "What is the one obstacle to successful educational reform that you see from your position in a school, daily coming in contact with students, teachers, and parents?" He said, "A lack of standards." This bill does not attempt to create those standards, so we cannot measure accountability, measure output, measure our success in the educational system.

I oppose this legislation, and urge all to vote against it.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Texas [Mr. DELAY], who knows very well that there is nothing in my amendment that requires anybody to do choice. It is something we allow to be done.

Mr. DELAY. Mr. Chairman, I just cannot believe that I am hearing on this floor, not only misleading statements, but total disregard for the facts. The gentleman on this side of the aisle, the gentleman from Wisconsin [Mr. GUNDERSON], said that the Armey amendment is not part of America 2000, that it is different. I hold in my hand here a statement that the administration supports the Armey amendment, and that it is critical part of the President's America 2000 strategy. Even if it was not, we are not water boys in this House for the President. We have our own ideas. In fact, I venture to say that the majority of our conference supports the Armey amendment.

□ 1240

Now what are we afraid of, Mr. Chairman, what are we afraid of? We already have educational choice in America. We already have people going and choosing those bad old religious schools, and those evil for-profit schools because they can afford it. But what we are talking about here is allowing education choice for everyone.

Education choice gives families the ability to select the schools their children attend. It allows families to exercise their right to select an education which best suits their needs and lifestyle.

Choice is essential to a democratic society and a free market economy, and conveys an inherent respect for quality and variety. School choice offers the same self-direction, flexibility and responsiveness that choice fosters in our market-driven democracy.

But, as would be true in any democracy or free market society, choice without options is an empty notion. Ideally, parental choice is augmented by a program which allows for variety at the school level, variety that includes private, parochial and public schools, as the Armey amendment would.

Support the Armey amendment.

Mr. Chairman, I rise to support Congressman ARMEY's school choice reform amendment to H.R. 4323, which would tremendously enhance this piece of legislation.

With the Armey amendment, private, parochial, and public schools would be explicitly included as an allowable activity and a minimum earmark of 25 percent of program funds for school choice would be established. Let me explain again what educational choice is and why it is so important to education reform.

Education choice gives families the ability to select the schools their children attend. It allows families to exercise their right to select an education which best suits their needs and lifestyle. Choice is essential to a democratic society and a free market economy, and conveys an inherent respect for quality and variety. School choice offers the same self-direction, flexibility, and responsiveness that choice fosters in our market-driven democracy. But, as would be true in any democracy or free market society, choice without options is an empty notion. Ideally, parental choice is augmented by a program which allows for variety at the school level—variety that includes private, parochial, and public schools, as the Armey amendment would.

The truth is that we have spent increasingly more dollars on education in this country in the last few decades, with very little in the way of student achievement or parental satisfaction to show for it. Educational choice is a catalyst for change. It promotes quality and innovation through competition. It also ensures accountability through increased parental involvement. Its effects are difficult to measure in dollar amounts, but the number of schools and students that attribute educational success to this program continue to grow in number.

Some predict that choice will resegregate schools. I predict just the opposite. Under the current system, schools are set up under a segregated, two-tier system. Affluent families can choose the schools they want by moving to the suburbs or buying a private school education for their children, but low-income families are stuck, often in unsafe schools with drug problems and chronic poor academic scores. The only choice poor children have, in most cases, is to drop out, and many of them do just that: in some schools, the dropout rate of minority children is 50 to 60 percent.

Choice levels the playing field. Choice gives all families, not just the rich, access to quality schools.

So let me summarize now why we need the Armey school choice amendment. No student should be condemned to an inferior education. If schools are not working, and do not appear to be improving, they should be closed. Federal, State, and local governments can no longer spend critical education dollars keeping a failing school afloat. Schools must provide taxpayers with a quality product, or be held accountable for the inferiority of their program. In this way schools will be forced to improve.

The focus of education must be on the child in the classroom. Vote for the Armey amendment, and vote for the future of America's children.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK], a member of the committee.

Mrs. MINK. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Armey substitute to H.R. 4323, which mandates 25 percent of the funds in this bill to be used for private school choice programs, including private for-profit schools.

The idea of school choice as a mandatory education reform is a dangerous illusion that diverts public attention away from the real measures needed to improve quality and equity in our public education system, and to encourage transfers out to private schools.

This illusion is a no-cost, no-benefit so-called reform which sacrifices our children who truly need the benefits of substantive education reform in our public school system.

Choice pushes schools to accept only the very best students and boast high test scores and graduation rates, while students in the abandoned urban and rural schools are left to languish as the quality of education continues to deteriorate because of neglect, a decreasing student population, and the loss of Federal funding.

I fail to see how this approach will produce much needed education reform. Under a choice program the good schools will get the better students and the bad schools will get the worst, resulting in the widening of an already

existing gap between the education have and have-nots.

Parents don't want to send their children across town to attend a quality school, they want schools in their own neighborhoods to achieve that same quality. School choice will only serve as another obstacle to achieving this goal.

The problem is not that parents do not have a choice, the problem is that inequities in our education system continue to exist—that the education a student receives in disadvantaged areas is not equivalent to the education available in our affluent suburbs. School choice does nothing to solve the glaring inequities that plague our Nations public schools; it will only exacerbate it.

It does nothing to improve curriculum and teacher training; to increase preschool programs and reduce class size. It does nothing to recruit teachers and expand youth services; to repair buildings and modernize equipment. It does nothing for the despair of children shackled to failing schools because their parents lack the means for transportation or the wherewithal to arrange for better schools for them. And it does not provide any long-term solutions to the problems in our education system.

School choice is nothing more than an attempt to undermine our public education system in the guise of education reform. It is an elitist approach to reform in step with the cynicism of trickle-down economics and other smokescreens to separate the haves from the have-nots.

I urge my colleagues to reject the failed notion of school choice and vote against the Armey substitute.

The CHAIRMAN pro tempore (Mr. HEFNER). The Chair would inform the Members that the gentleman from Texas [Mr. ARMEY] has 8 minutes remaining, and the gentleman from Michigan [Mr. KILDEE] has 1 minute remaining. The gentleman from Michigan has the right to close debate.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Colorado [Mr. HEFLEY], who knows that with the GI bill, Pell grants and so forth, Federal aid is spent commonly in religious schools, even theology schools.

Mr. HEFLEY. Mr. Chairman, let there be no mistake, the Democratic Party in this body does not believe in true educational reform. After the President compromised with the Democrats to include choice in the Neighborhood Schools Improvement Act, he was stiff-armed by the Democrats who, as always, are beholden to special interests. This time the culprit was school boards from across the country. These board members are so scared of parental involvement that they forced the Democrats on the Education and Labor Committee to remove that horribly offensive word from the bill—"choice." What are they afraid of? Do they think they can't compete? If so, we really are in trouble.

The Neighborhood Schools Improvement Act would authorize the use of Federal funds for everything but choice. Do we really believe that the public school bureaucrats are going to change such a self-preserving system. Education will not change unless we act as leaders and try something innovative and new. This is a concept that should be tried. The educrats won't change without our prodding. The reality of this bill is that the same old bureaucrats are going to pour the same tax dollars into the same old, failed programs.

Mr. Chairman, let's let the record show that the word conservative stands for change on this issue. The Democratic Party stands for the status quo, which is throw more money at a problem, close your eyes, and maybe it will go away.

Mr. Chairman, what is so wrong with allowing parents to make decisions about their childrens' education and not some board member or administrator who supposedly knows best. Usually parents know what is best for their children—let's let them make the decision. But I guess we are just to paternalistic to believe that poor, uneducated, underprivileged parents can make an informed decision about their own children. I urge my colleagues to support the Armey amendment and try school choice.

Isn't it strange that an 18-year-old can choose to go to Notre Dame on a variety of government grants but a 12-year-old can't choose to go to St. Mary's Prep with his parents' tax dollars.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER], a member of the committee.

Mr. BOEHNER. Mr. Chairman, I rise today in support of the Armey amendment, because I believe that H.R. 4323, as now drafted, does nothing more than provide additional money to continue already failing education programs, in order for this bill to drive real reform in education, it must be changed.

The Armey amendment is the vehicle that will drive real education reform. It is based on one simple concept—that the people of this country are smart enough to decide how best to educate their children. Congress must recognize that while the Federal Government can provide encouragement, guidance and support to parents and communities, successful innovations and reforms are not driven by Washington, or the State capitols. Rather, they are driven by individual communities, parents in the real world.

The Armey amendment does not ignore parents and communities. In fact, the Armey amendment ensures that they are the vehicles of change. And one of the most important parts of this change is embodied in school choice—the ability of parents to decide where their children can go to school.

School choice has been getting a bum rap from many in this body. Although it is fine for us to debate the merits of school choice, it is not for Congress to decide. It is up to the parents and local communities to decide on the merits of choice. They are the ones who benefit from school choice. They are also the ones who must deal with the consequences of languishing schools and education policies, which are failing their children and communities.

School choice will give parents control of education by forcing schools to compete and improve, or close their doors. Good schools don't have to worry; schools willing and able to improve don't have to worry; only schools that are failing to educate children need to worry. It is time that parents and communities be permitted to improve their schools and close those that aren't educating their children.

Finally, I must point out that the school choice movement is gaining support, in such diverse areas as California, Colorado, Georgia, Indianapolis, Milwaukee, East Harlem, Prince Georges County, and numerous other communities are enacting school choice reforms. So, I ask again: who are we in Congress to say no? Who are we in Congress to say that the States, local communities, and parents should not and cannot have school choice?

Mr. Chairman, the American people are clamoring for real change. They understand that school choice will lead to a real improvement in education. As the great Sam Rayburn once said, "You cannot be a leader, and ask other people to follow you, unless you know how to follow, too."

Mr. Chairman, it is time for Congress to follow the American people for they know which way they are going. This is why I urge my colleagues to vote for the Armey amendment, which represents the new and better direction for American education.

□ 1250

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, I rise in strong support of the Armey amendment.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, over the past year, the Democrats have been hammering the Bush administration with claims that it has been negligent toward educating our youth. They complain that we do not spend nearly enough on education.

I ask my colleagues on the other side of the isle, "How much is enough?"

Let's assume that we have an infinite amount of money to spend here in Congress. What if President Bush came to this floor today and handed us a blank check made out to "Education in America" and said we could go ahead and fill it out for any amount. If money is what educates our children, then let's go ahead and fill out that check for whatever amount the Democrats think it will take to make our kids smarter. How much will it take, Mr. Chairman, $2 billion, $200 billion? How about $1 trillion.

Do the Democrats honestly believe that throwing more money into an obviously failed system is going to somehow get kids excited about going to school—about reading and learning and reaching their full potential? Do they honestly believe that this kind of money is somehow going to empower parents and get them involved in their child's education? Do they really believe that money is what will make public schools drug and violence free? And do they really believe that spending all this money is going to somehow make our children smarter?

Mr. Chairman, if there is one word I have heard over and over again during the past few months it is the word "change." Oddly enough, when it comes to education the Democrats are only interested in spending more of the taxpayers money on protecting the status quo. They are not interested in change—they are only interested in feeding an already obese bureaucracy. If they were interested in change they would be willing to give President Bush's America 2000 a fair chance. Instead, it is business as usual.

My colleagues and I still have a chance to prove to the American people that this Congress is serious about improving our Nation's education system. Today we have an opportunity to make a real difference in the way we educate our children by voting in favor of the Armey school choice reform amendment. While H.R. 4323, the Neighborhood Schools Improvement Act, may appear to be a good bill, it is not. It is a weak, watered down version of President Bush's America 2000 legislation. We need Congressman ARMEY's amendment because it strengthens H.R. 4323 by including key provisions of America 2000 such as school choice, high national standards, accountability, and the establishment of new American schools. Please join me in voting for the Armey amendment—it represents true reform and needed change in a system that has failed our children for far too long.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER], who would wish to rise in behalf of the families of America instead of the unions of America.

Mr. HERGER. Mr. Chairman, I rise in strong support of the Armey amendment, which proposes real reform and choice in education.

H.R. 4323, as currently written, does not allow local communities to consider public, private, and parochial school choice and it limits the role of State Governors and other local officials. Instead, the bill proposes hundreds of millions of dollars for more of the same policies which have contributed to our education crisis in the first place.

Parental choice in education works. That is why 71 percent of all Americans support it.

Across the country, in Milwaukee, Massachusetts, and New Jersey, choice has been successful in schools that had previously been failing miserably.

The Armey amendment takes power out of the hands of the education bureaucrats and puts it in the hands of parents where it belongs. Vote "yes" on the Armey amendment.

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I rise in support of the Armey amendment and urge Members not to confuse the message with the messenger.

Mr. ARMEY. Mr. Chairman, I believe I thank the gentleman from Michigan.

I would like to inquire from the other gentleman from Michigan if he has any additional speakers.

The CHAIRMAN pro tempore (Mr. HEFNER). The gentleman from Michigan has the right to close the debate, so the gentleman from Texas can either use his remaining minute or yield it back.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ARMEY. If I might ask a parliamentary inquiry, I thought it was the rules of the House that I would have the right to close debate.

The CHAIRMAN pro tempore. The manager of the bill has the right to close the debate affecting the committee position on the amendment.

Mr. ARMEY. Not the manager of the amendment?

The CHAIRMAN. The gentleman is exactly right.

Mr. ARMEY. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in support of the Armey amendment. Our economic system thrives on the principle of competition, when the Government does not stand in the way. Those in business know that if you produce the best product, build the best mousetrap, the world will beat a pathway to your door.

This concept of competition is applicable to education. The best schools have a magnetism that attracts students. The mediocre schools, those that refuse to change, become stagnant and cease to be competitive. Not only will these schools perform a grave disservice to the youth of America, they will eventually cease to exist.

We all know that wealthy Americans can send their children to the best schools available. The poor do not have that opportunity. They are locked into the worst and weakest schools, in spite of the fact that parents long for the ability to choose which school their children will attend.

Choice for everyone is an idea whose time has come. I think all parents would like to have that option, but the educational power structure fights it—why? Because they are afraid of change and want to keep the status quo. Any new ideas might cause trouble to their stale efforts. Our present system is broken and we know it. Choice could create a whole new dimension in education. It has already worked in a few cases. Why not build on these few models and create the new system we need.

Mr. KILDEE. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, I urge the defeat of the Armey amendment.

Mr. Chairman, many provisions of the Armey amendment were already rejected in committee and, further, the Armey amendment does not contain some of the better provisions of both H.R. 4323 and the Goodling substitute.

There is no easing of Federal regulations in the Armey substitute. There is no authorization of the national education goals panel, and there is no development of voluntary standards. The substitute is deficient. I urge its defeat.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 80, noes 328, not voting 26, as follows:

[Roll No. 383]

AYES—80

Allard	Coughlin	Hansen
Allen	Cox (CA)	Hefley
Archer	Crane	Henry
Armey	Dannemeyer	Herger
Baker	DeLay	Holloway
Ballenger	Dickinson	Inhofe
Bliley	Doolittle	Johnson (TX)
Boehner	Dornan (CA)	Kasich
Broomfield	Dreier	Kolbe
Bunning	Duncan	Kyl
Burton	Franks (CT)	Lagomarsino
Callahan	Gilchrest	Lewis (FL)
Campbell (CA)	Goss	Lightfoot
Chandler	Gradison	Lipinski
Clinger	Grandy	Livingston
Coble	Hammerschmidt	Lowery (CA)
Combest	Hancock	McCrery

McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Nussle
Oxley
Packard
Paxon
Quillen
Ravenel
Ritter
Rohrabacher
Ros-Lehtinen
Schulze
Shaw
Shuster
Smith (TX)
Spence
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Vander Jagt
Vucanovich
Wolf
Zeliff
Zimmer

NOES—328

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Cardin
Carper
Carr
Chapman
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—26

Ackerman
Barnard
Barton
Campbell (CO)
Clay
Cunningham
DeFazio
Dymally
Flake
Gingrich
Hatcher
Hopkins
Hunter
Hyde
Ireland
Markey
McCollum
Solomon
Staggers
Tanner
Towns
Traxler
Walker
Weber
Weiss
Wilson

□ 1319

The Clerk announced the following pairs:

On this vote:

Mr. Barton for, with Mr. Flake against.

Mr. Cunningham for, with Mr. Towns against.

Messrs. CAMP, McCANDLESS, EDWARDS of Oklahoma, OLVER, GALLEGLY, and FIELDS changed their vote from "aye" to "no."

Mr. McEWEN 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.

□ 1320

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 102-838.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Mr. GOODLING:

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to reconfigure the National Education Goals Panel to provide for full congressional participation;

(2) to establish a process in support of voluntary national education standards and a national system of examinations;

(3) to authorize a grants program to States and localities to encourage dramatic, new approaches to education that are likely to provide students with an opportunity to achieve the national goals;

(4) to establish a system by which States, local educational agencies, and schools can utilize Federal, State, and local education program funds in a more flexible manner in order to improve delivery and effectiveness of programs;

(5) to authorize a program of grants to States and localities to establish New American Schools; and

(6) to authorize a program of student mentoring.

SEC. 2. AUTHORIZATION OF THE NATIONAL EDUCATIONAL GOALS PANEL.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as 13001 through 13005; and

(2) by inserting after title VII the following:

"TITLE VIII—VOLUNTARY STANDARDS AND ASSESSMENT

"PART A—NATIONAL EDUCATION GOALS PANEL

"SECTION 8001. GOALS PANEL.

"(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Goals Panel (referred to in this part as the "Panel").

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Panel shall be composed of 14 members (referred to in this part as "members"), including—

"(A) two members appointed by the President;

"(B) eight Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party to the President, appointed by the Chairperson or Vice Chairperson of the National Governors' Association, with each appointing individuals of such respective political party, in consultation with each other and in accordance with paragraph (2); and

"(C) four Members of Congress appointed as follows:

"(i) The majority leader of the Senate shall appoint 1 individual from among the Members of the Senate.

"(ii) The minority leader of the Senate shall appoint 1 individual from among the Members of the Senate.

"(iii) The majority leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

"(iv) The minority leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

"(2) SPECIAL APPOINTMENT RULES.—(A) The members appointed pursuant to paragraph (1)(B) shall be appointed as follows:

"(i) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals pursuant to such paragraph and the Vice Chairperson shall appoint 5 persons pursuant to such paragraph.

"(ii) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 persons pursuant to such paragraph and the Vice Chairperson shall appoint 3 persons pursuant to such paragraph.

"(B) If the National Governors' Association has appointed a panel that meets the requirements of this subsection prior to the date of enactment of this Act, the members

serving on such panel shall be deemed to be in compliance with the provisions of this subsection and shall not be required to be reappointed pursuant to this subsection.

"(c) TERMS.—The terms of service of members shall be as follows:

"(1) EXECUTIVE BRANCH.—Members appointed under paragraph (1)(A) shall serve at the pleasure of the President.

"(2) GOVERNORS.—Members appointed under paragraph (1)(B) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such member's terms concluding every two years.

"(3) MEMBERS OF CONGRESS.—Members appointed under paragraph (1)(C) shall serve a term of four years.

"(d) INITIATION.—The Panel may begin to carry out the duties of the Panel under this part when seven members of the Panel have been appointed.

"(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

"(f) RETENTION.—In order to retain an appointment to the Panel, a member must attend at least two-thirds of the scheduled meetings of the Panel in any given year.

"(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

"(h) TRAVEL.—Each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(i) CHAIRPERSON SELECTION.—

"(1) INITIAL SELECTION.—The members appointed under subsection (b)(2) shall select a Chairperson from among such members, except that after the expiration of the term or termination of the tenure of the member initially selected to serve as Chairperson, whichever is earlier, a majority of the members of the Council shall select a Chairperson from among the members.

"(2) CONTINGENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council 60 days after the date of the enactment of this Act, a majority of the members shall select a Chairperson from among the members.

"SEC. 8002. FUNCTIONS.

"(a) FUNCTIONS.—

"(1) IN GENERAL.—The Panel shall—

"(A) propose the indicators to be used to measure the National Education Goals and reporting progress in achieving such goals, the baselines and benchmarks against which progress may be evaluated, and the format for an annual report to the Nation;

"(B) select interim and final measures and appropriate measurement tools to be developed as necessary in each goal area;

"(C) report on the Federal actions to fulfill responsibilities to education, including funding the Federal financial role, providing more flexibility and controlling mandates that limit the States' ability to fund education;

"(D) issue a report to the President, the Congress, the Governors, and the Nation annually on progress toward the National Education Goals;

"(E) assure, through requirements for State reports, that student performance is reported in the context of other relevant information about student, school and system performance;

"(F) identify gaps in existing educational data, make recommendations for improvements in the methods and procedures for assessments that would be appropriate to assessing progress toward the National Education Goals, propose changes in national and international measurement systems as appropriate and make recommendations to the President, the Congress, and the Governors for needed improvements;

"(G) appoint members to the National Education Standards and Assessments Council; and

"(H) in accordance with paragraph (2), issue certification of content and student performance standards and the criteria for world-class assessments after submission of such notification of approval by the National Education Standards and Assessments Council.

"(2) SPECIAL RULE.—In the event that the Panel denies certification to all or part of a certification of the National Education Standards and Assessments Council, all or part of a certification shall be returned to such Council with detailed written explanations for the denial.

"(b) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Panel shall operate on the principle of consensus.

"(c) DATA COLLECTION.—The Panel shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to appropriately assess progress toward the National Education Goals.

"SEC. 8003. ANNUAL REPORT CARD.

"(a) IN GENERAL.—The Panel shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a national report card, that—

"(1) sets forth an analysis of the progress of the United States toward achieving the National Education Goals; and

"(2) may, as determined necessary by the Panel based on the findings of the Panel and an analysis of the views and comments of all interested parties—

"(A) identify continuing gaps in existing educational data; and

"(B) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational assessment and information system of the Department of Education or any other appropriate Federal Government entity.

"(b) CONTINUATION.—The Panel shall issue a national report card on an annual basis for the duration of the existence of the Panel.

"(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

"SEC. 8004. POWERS OF THE PANEL.

"(a) HEARINGS.—

"(1) IN GENERAL.—The Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Panel considers appropriate.

"(2) PUBLIC HEARINGS.—In carrying out this part, the Panel shall conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the Panel's functions described in section 8002(a).

"(b) INFORMATION.—The Panel may secure directly from any department or agency of the United States, information necessary to enable the Panel to carry out this title. Upon request of the Chairperson of the Panel, the head of a department or agency shall furnish such information to the Panel to the extent permitted by law.

"(c) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

"(d) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary of Education shall provide to the Panel, on a reimbursable basis, administrative support services as the Panel may request.

"SEC. 8005. ADMINISTRATIVE PROVISIONS.

"(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Panel or a majority of its members.

"(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

"(c) VOTING.—No individual may vote or exercise any of the powers of a member by proxy.

"SEC. 8006. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

"(a) DIRECTOR.—The Chairperson of the Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

"(b) APPOINTMENT AND PAY OF STAFF.—The Chairperson of the Panel may appoint personnel as the Chairperson considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Panel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Panel shall not exceed the rate of basic pay payable for GS–15 of the General Schedule.

"(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

"(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Panel to assist the Panel in its duties under this title.

"SEC. 8007. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001 to carry out this part.

PART B—VOLUNTARY NATIONAL EDUCATION STANDARDS AND ASSESSMENTS

"SEC. 8101. NATIONAL EDUCATION STANDARDS AND ASSESSMENTS COUNCIL.

"(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Standards and Assessments Council (referred to in this part as the "Council").

"(b) APPOINTMENT AND COMPOSITION.—

"(1) APPOINTMENT.—The Council shall be composed of 19 members (referred to in this part as "members") appointed by the National Education Goals Panel described in section 8001.

"(2) COMPOSITION.—The Council shall be composed of—

"(A) 9 educators who have demonstrated leadership in educational innovation, includ-

ing at least 1 person with expertise in each of educational measurement, assessment, subject matter scholarship, and curriculum design;

"(B) 5 State and local public officials who possess strong education backgrounds and have displayed a commitment to improving education;

"(C) 5 members of the general public who have demonstrated a commitment to improving education and bring additional perspectives from the business, foundation, and advocacy communities within the private sector.

"(c) QUALIFICATIONS.—

"(1) IN GENERAL.—Members shall—

"(A) be appointed to the Council on the basis of widely recognized experience in, knowledge of, commitment to, and a demonstrated record of service to, education and to achieving education excellence at the Federal, State or local level; and

"(B) include curriculum design specialists, subject matter scholars, and testing or measurement experts (experts in educational evaluation, educational measurement, educational assessment, educational psychology, or psychometrics).

"(2) NOMINATIONS.—Members under this subsection shall be appointed from among qualified individuals nominated by the public and other groups representative of public officials, educators, and individuals described in subsection (c)(1).

"(d) TERMS.—

"(1) IN GENERAL.—The members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

"(2) CONFLICT OF INTEREST.—(A) No member of the Council may concurrently serve as a member of the Panel or on any other Department of Education advisory board or standing panel.

"(B)(i) No waiver shall be granted to members of the Council pursuant to section 208(b)(3) of title 18, United States Code, regarding conflict of interest.

"(ii) Any person who serves on the Council shall report any subsequent proposals for Federal, State, or local funding related to the standards and assessments described in subsection (e) to the National Goals Panel, the appropriate authorizing committees of Congress, and to the Department of Education.

"(3) DATE OF APPOINTMENT.—The initial members shall be appointed by the Panel, not later than 120 days after the date of enactment of this Act.

"(4) RETENTION.—In order to retain an appointment to the Council, a member must attend at least two-thirds of the scheduled meetings of the Council in any given year.

"(5) OFFICER SELECTION.—The members appointed under subsection (b)(2) shall select officers of the Council from among the members of the Council. The officers of the Council shall serve for 1-year terms.

"(6) VACANCIES.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

"(7) TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(e) FUNCTIONS OF THE COUNCIL.—

"(1) STANDARDS.—The Council shall, with regards to standards—

"(A) coordinate the effort to establish voluntary national education content and student performance standards;

"(B) develop criteria for what constitutes world-class content and student performance standards and establish guidelines for standard setting and development to ensure consensus building and broad participation in the process, including those most knowledgeable about the discipline; and

"(C) issue approval of content and student performance standards as world-class based on the criteria and guidelines described in subparagraph (B) and transmit such approved standards to the Panel for the Panel's certification.

"(2) ASSESSMENTS.—The Council shall, with regards to assessments—

"(A) be a coordinating body to encourage a voluntary system of assessments for individual students consistent with the voluntary national standards;

"(B) establish guidelines for the development and use of assessments to ensure that assessments are valid, reliable, and fair;

"(C) develop criteria for assessments, and the use of such assessments, to ensure that the assessments measure the world class standards and meet the guidelines described in subparagraph (B);

"(D) establish procedures and criteria to determine whether assessments are comparable to each other without sacrificing the validity, reliability, and fairness of the assessments;

"(E) transmit such criteria to the Panel to review for certification.

"(3) GUIDELINES.—The Council shall establish guidelines for the use and design of standards and assessments, and of data derived from such assessments, so that—

"(A) all students are provided with a rigorous and challenging curriculum designed to meet or exceed the standards;

"(B) no student is placed in a curriculum track or is otherwise labeled on the basis of such student's performance on an assessment certified pursuant to this section; and

"(C) student performance is reported in the context of other relevant information about aggregate student, school, and system performance.

"(4) REEXAMINATION.—The Council shall reexamine the criteria for certification at least once every 3 years and shall reexamine any certified national standards at least once every 3 years to ascertain whether such standards continue to meet the criteria described in paragraphs (1), (2), and (3).

"(f) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Council shall work with Federal and non-Federal agencies and organizations which are conducting research, studies, or demonstration projects to determine world-class education standards and assessments based on such standards.

"(g) PROCEDURES.—

"(1) PUBLICATION.—The Council shall publish in the Federal Register—

"(A) proposed criteria for determining what are world-class content and student performance standards;

"(B) proposed guidelines for standards setting;

"(C) proposed procedures and criteria for certifying content standards as world class; and

"(D) proposed procedures and criteria for assessments that measure such world-class standards.

"(2) FINAL REGULATIONS.—Final regulations, reflecting public comment, for the proposals developed in accordance with paragraph (1) shall be published in the Federal Register prior to the implementation of such regulations.

"(h) DATA COLLECTION.—The Council shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to carry out the Council's functions.

"SEC. 8102. ANNUAL REPORTS.

"(a) IN GENERAL.—Not later than 1 year after the date that the Council concludes its first meeting of members and in each succeeding year, the Council shall prepare and submit to the President, the appropriate committees of Congress, the Secretary, and the Governor of each State a report regarding its findings. Such report shall—

"(1) analyze the progress and obstacles, if any, toward the development and certification of world-class content and student performance standards;

"(2) analyze the progress and obstacles, if any, toward the development and certification of any criteria for assessments that reflect the world-class standards; and

"(3) analyze the progress and obstacles, if any, to the adoption of certified content and student performance standards by State and local educational agencies.

"(b) SPECIAL RULE.—In carrying out paragraph (3) of subsection (a), the Council, through the National Center for Education Statistics, shall collect information on the implementation by State and local educational agencies of certified content standards, including—

"(1) adoption of curricula frameworks, including instructional materials, assessments and teacher training that incorporates or reflects world-class content standards;

"(2) availability of school resources, including instructional materials and technology, necessary to meet world-class standards;

"(3) staff capacity;

"(4) school governance systems; and

"(5) barriers to implementation of world-class standards.

"SEC. 8103. POWERS OF THE COUNCIL.

"(a) REGIONAL MEETINGS.—(1) The Council shall convene regional meetings to obtain public involvement in the development of proposed regulations implementing this section. Such meetings shall include individuals and representatives of the groups involved in content and student performance standards setting and assessments, including educators, administrators, students, parents, curriculum and assessment experts, and organizations which have demonstrated experience in these areas.

"(2) The meetings described in paragraph (1) shall provide for a comprehensive discussion and exchange of information regarding the implementation of this section and the Council shall take into account the information received in such meetings in developing regulations.

"(3) The Council shall solicit public comment on any proposed guidelines and criteria and on standards submitted for approval and certification.

"(b) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish such information to the Council to the extent permitted by law.

"(c) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

"(d) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary shall provide to

the Council, on a reimbursable basis, administrative support services as the Council may request.

"SEC. 8104. ADMINISTRATIVE PROVISIONS.

"(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

"(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

"(c) VOTING.—The Council shall take all action of the Council by a two-thirds majority vote of the total membership of the Council, assuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

"SEC. 8105. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

"(a) DIRECTOR.—The Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director, who by virtue of education, training, and experience, is eminently qualified to assist the Council in administering the functions described in section 8101(e) of this part to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

"(b) APPOINTMENT AND PAY OF STAFF.—The Council may appoint personnel who by virtue of education, training, and experience are eminently qualified to assist the Council in administering the functions described in section 8101(e). Such appointments can be made without regard to the provisions of title 5, United States Code, governing appointments to the competitive service and the staff of the Council may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Council shall not exceed the rate of basic pay payable for GS-15 of the General Schedule.

"(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code, if the individual performing such services, by virtue of education, training, and experience, is eminently qualified to assist the Council in administering the functions described in section 8101(e).

"(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist the Council in its duties under this part.

"(e) CONFLICT OF INTEREST.—No director, staff, expert, or consultant may serve the Council if such person directly or indirectly has any financial interest in the development of tests or assessments related to the standards described in section 8101(e). Any person who served the Council in such capacity shall submit any subsequent proposals for Federal, State, or local funding related to the standards or assessments described in section 8101(e) to the National Goals Panel, the Congress, and to the Department of Education.

"SEC. 8106. EVALUATION.

"The National Academy of Sciences shall conduct an evaluation of the work of the Council, including—

"(1) an analysis of the technical expertise of the panel and its use of outside technical assistance;

"(2) an analysis of the process of establishing guidelines and criteria for the development and certification of standards and such guidelines and criteria;

"(3) a review of standards that are certified;

"(4) an evaluation of the process for establishing criteria for assessments of world-class standards and such criteria; and

"(5) an evaluation of the research and development work being carried out by the Department of Education, in the areas of education standards, curriculum, and assessment.

"SEC. 8107. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Council $2,000,000 for each of the fiscal years 1993, and 1994 and such sums as may be necessary for fiscal years 1995 through 1997 to carry out this part.

"TITLE IX—NEIGHBORHOOD SCHOOLS IMPROVEMENT

"SEC. 9001. SHORT TITLE.

"This title may be cited as the "Neighborhood Schools Improvement Act".

"SEC. 9002. CONGRESSIONAL FINDINGS.

"The Congress finds that—

"(1) all students can learn and must realize their potential if the United States is to prosper;

"(2) the reforms in education of the last 15 years have achieved good results, but these efforts often have been limited to a few schools or to a single part of the educational system;

"(3) additional pilot projects will have the same limited effect as previous reforms and isolated changes in policy will most likely have minimal impact;

"(4) strategies must be developed by States and communities to support the revitalization of all local schools by fundamentally changing the entire system of education through comprehensive, coherent, and coordinated improvement;

"(5) parents, teachers and other local educators, and community leaders must be involved in developing system-wide reform strategies that reflect the needs of their individual communities;

"(6) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide reform strategies if the Nation is to educate all children to meet their full potential and achieve national goals;

"(7) increasing funding for existing Federal education programs at levels that will enable them to fulfill their mission is a critical part of assisting States and local educational agencies in their school improvement efforts; and

"(8) additional Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing system-wide reform plans.

"SEC. 9003. PURPOSE.

"The purpose of this title is to raise the quality of education for all students by supporting a 10-year broad based public effort to promote coherent and coordinated changes in the system of education throughout the Nation at the State and local level without jeopardizing funding for existing Federal education programs.

"SEC. 9004. PROGRAM AUTHORIZED.

"The Secretary is authorized, in accordance with the provisions of this title, to make grants to State educational agencies to enable States and local educational agencies to reform and improve the quality of education throughout the Nation. Such grants shall be used to—

"(1) develop innovative educational reform plans, which include State achievement goals, a means for developing or adopting high quality, challenging curricular frameworks and coordinated curricular materials, professional development strategies, and assessment instruments; and

"(2) implement reforms and plans to improve the education system at the State and local levels.

"SEC. 9005. APPLICATION.

"(a) IN GENERAL.—If a State desires to receive assistance under this title, the State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall cover a 5-year period.

"(b) CONSIDERATION OF APPLICATIONS.—Each such application shall—

"(1) contain satisfactory evidence that the State educational agency has or will have authority, by legislation if necessary, to implement the plan required under section 9006;

"(2) provide an assurance that the State has a strategy for ensuring broad participation in the planning process, including parents, students, teachers, principals, superintendents, secondary and postsecondary vocational education teachers and administrators, local school board members, representatives of the employment and training network, the deans of colleges of education, representatives of community-based organizations, testing and curriculum experts, the director of the State office responsible for teacher certification, and the director of the State human services agency, to establish the goals and to refine them in the future, as well as participate in the development of all other components of the plan;

"(3) provide an assurance that the State will notify the public (including individuals with limited English proficiency), through print and electronic media and the local educational agency through actual notice—

"(A) that the State has made application for funds under this title;

"(B) of the purposes for which the funds will be used; and

"(C) that the State is developing a plan under section 9006;

"(4) provide an assurance that all students will have equal access to the curricular frameworks, high quality curricular materials, and well-qualified teachers;

"(5) describe actions taken and resources identified or committed to meet the requirements of this title;

"(6) provide an assurance that the applicant will prepare and submit to the Secretary, annual evaluations of and reports concerning the State program; and

"(7) provide an assurance that the State will carry out the provisions of section 9006.

"(c) APPROVAL.—The Secretary shall approve an application and any amendment to the application if the application or the amendment to such application meets the requirements of this section and is of sufficient quality to meet the objectives of this title. The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REAPPLICATION.—(1) A State educational agency may apply for assistance for a second 5-year period and such application shall be approved by the Secretary if the State—

"(A) has met all of its reporting requirements; and

"(B) demonstrates that it has made reasonable progress in carrying out its plan.

"(2) The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"SEC. 9006. DEVELOPMENT AND APPROVAL OF STATE PLAN.

"(a) ESTABLISHMENT OF PANEL.—Each State program assisted under this title shall establish a panel to develop a statewide reform plan. Such panel shall consist of—

"(1) the chief executive of the State (or designee);

"(2) the presiding officers and the minority leaders of the State legislature (or designees);

"(3) the chief State school officer;

"(4) the head of the office that coordinates higher education programs in the State or, if there is no such office, the head of the office designated under section 2008 of the Dwight D. Eisenhower Mathematics and Science Education Act (20 U.S.C. 2988) (or designee);

"(5) an individual nominated by representatives of local educational agencies that comprise between 5 to 10 percent of the local educational agencies in the State with the lowest average per pupil expenditures, except in the case of a State with a single local educational agency; and

"(6) individuals nominated by State organizations representing each of the following:

"(A) Teachers.

"(B) School administrators.

"(C) Local school boards.

"(D) Parents.

"(E) Businesses.

"(F) State board of education.

"(G) Students.

"(b) ADDITIONAL MEMBERS.—(1) The first meeting of such panel shall be convened by the chief executive of the State and the chief State school officer, where permitted by law. At such meeting, the panel members designated and nominated in subsection (a) shall select additional panel members, including the chairpersons of the State legislative committees with jurisdiction over education, individuals reflecting the ethnic and racial diversity of the general population of the State, and (except in the case of a State with a single local educational agency) an individual nominated by representatives of the 5 local educational agencies with the highest number of students eligible for services under part A of chapter 1 of title I of this Act.

"(2) The membership of the panel shall be geographically representative of all areas of the State and shall not exceed 25 in number.

"(3) Following the selection of additional members, the chief executive of the State and the chief State school officer, where permitted by law, shall convene a meeting of the full panel to establish procedures regarding the operation of subsequent meetings, including the designation of a panel chairperson, consistent with applicable State law.

"(c) DEVELOPMENT OF STATE PLAN.—(1) The panel shall develop a plan that—

"(A) establishes State goals to maximize achievement for all children in conjunction with national educational goals;

"(B) establishes curricular frameworks in specific subject matter areas that incorporate the goals established under subparagraph (A);

"(C) provides for the development or adoption of instructional materials to assist the implementation of the curricular frameworks;

"(D) allocates resources to implement such a system-wide reform plan;

"(E) provides for the establishment or adoption of a valid, reliable, and fair assessment system based upon the curricular frameworks that is capable of accurately measuring the skills and knowledge required to meet State goals;

"(F) provides for professional development strategies necessary for achieving the State goals;

"(G) establishes a process for reviewing Federal, State, and local laws and regulations and for recommending changes in such laws and regulations to further state-wide reform;

"(H) provides a process for selecting local educational agencies for participation in local system-wide reform efforts;

"(I) provides for the development of objective criteria and measures against which the success of local plans can be evaluated;

"(J) provides for the ongoing evaluation of the effectiveness of the State plan in closing the gap between high and low achieving students to be assessed using achievement and other measures such as attendance, grade retention, and dropout rates;

"(K) provides for the availability of curricular frameworks, curricular materials, and professional development in a manner ensuring equal access by all local educational agencies in the State;

"(L) provides for a thorough review of the State's school finance program, focusing on the adequacy of, and disparities in, the financial resources available to each local educational agency, and how such disparity affects the ability of the State educational agency and local educational agencies to develop and implement reform activities consistent with this title;

"(M) describes the steps the State educational agency shall take to ensure that successful programs and practices supported by subgrants awarded to local educational agencies under this title shall be disseminated to other local educational agencies in the State;

"(N) provides for the development of an adequate research, training, and evaluation capacity within the State to further the purposes of this title; and

"(O) describes methods of coordinating health and social services with education through State interagency cooperation and agreements.

"(2) In developing the plan, the panel shall—

"(A) emphasize outcome measures rather than prescribing how the State and local educational agencies should achieve such outcomes;

"(B) review recent innovations by other States and by national professional subject matter organizations in educational goals, curricula, and assessment nationally;

"(C) review existing Federal education programs and how they can contribute to the State plan; and

"(D) ensure broad-based participation through regular notice and dissemination of information to the public (including individuals with limited English proficiency) using print and electronic media.

"(3) Following the development of the plan, the panel shall seek public comment by—

"(A) publishing the plan with a comment period of at least 60 days, or

"(B) notifying the public through electronic and print media and conducting regional hearings.

"After providing the public with an opportunity to comment on the plan, the panel shall consider the public comments and make appropriate changes.

"(4) The plan shall be submitted to the State for review and approval by the State educational agency, except that any changes to such plan shall be made with the concurrence of the panel. Prior to implementing the plan, the State educational agency shall submit such plan to the Secretary for approval. In the event that the State has previously accomplished any of the reform activities required under this title in a specific subject area or set of grade levels, the State is not required to include them in the plan but shall include a request for a waiver, including a description of such accomplishments.

"(5)(A) The Secretary shall approve a State's plan if such plan—

"(i) meets the requirements of this section;

"(ii) is of sufficient quality to meet the objectives of this title; and

"(iii) provides evidence that the State has, or will have, the resources necessary to carry it out.

"(B) The Secretary shall not finally disapprove a plan or an amendment to such plan except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REVIEW OF STATE PLAN.—The panel and the State educational agency shall review on an ongoing basis, the implementation of the State plan for the period during which the State receives funding under this title. The results of such review shall be prepared in writing by the panel and included by the State in its annual report to the Secretary under section 9013(a).

"SEC. 9007. STATE USES OF FUNDS.

"(a) USES OF FUNDS.—Funds allotted by the Secretary under section 9011(a) and State and private funds contributed to make up the total cost of a State program as provided in section 9011(b) shall be used by a State with an approved application for the following purposes—

"(1) development and implementation of the State plan, including the establishment of State goals, curricular frameworks, and assessment systems;

"(2) activities of the panel (including the travel expenses of the members of such panel);

"(3) subgrants to local educational agencies;

"(4) technical assistance (including dissemination of information) to local educational agencies to assist in developing and carrying out their plans; and

"(5) evaluation, reporting, and data collection.

"(b) LOCAL EDUCATIONAL AGENCIES.—In the first year that a State receives an allotment under this title, the State educational agency may make subgrants for the purpose of developing local plans as provided in section 9008 consistent with section 9006(c)(1)(H). In the second year, and in each succeeding year, from not less than 75 percent of the total cost of a State's program, the State educational agency shall make subgrants to local educational agencies which shall include—

"(1) at least one local educational agency in each congressional district shall receive a subgrant; and

"(2) the local educational agency with the greatest number of disadvantaged children in the State shall receive a subgrant.

"(c) SPECIAL PROVISION.—Funds available under section 9011 shall be used to carry out the plan in a manner which ensures that all children, especially those identified through

the assessment process (using achievement and other measures) as not achieving satisfactorily, are afforded ample opportunity to reach local, State, and national goals.

"SEC. 9008. DEVELOPMENT AND APPROVAL OF LOCAL PLANS.

"(a) LOCAL COMMITTEE.—(1) A local educational agency which desires to receive a subgrant under this section shall establish a committee comprised of—

"(A) the chief elected officer of the unit of general purpose local government with boundaries which are most closely aligned with the geographic boundaries of the local educational agency;

"(B) the superintendent of the local educational agency;

"(C) a representative nominated by the local school board;

"(D) a representative nominated by a local teacher association;

"(E) a representative nominated by the largest business association with business members having an interest in educational improvement that operate in a geographic area that is most closely aligned with the local educational agency;

"(F) a representative nominated by the parents of children served by part A of chapter 1 of title I of this Act; and

"(G) the elected head of a district-wide student organization, if one exists.

"(2)(A) The first meeting of such committee shall be convened by the superintendent to enable the committee members designated and selected in paragraph (1) to select additional members including—

"(i) parents of students in elementary, middle, and secondary schools;

"(ii) representatives of community-based organizations;

"(iii) members of the general public with a strong interest in education;

"(iv) principals;

"(v) teachers;

"(vi) school counselors, psychologists, and social workers;

"(vii) curriculum, testing, and evaluation supervisors; and

"(viii) a representative of a local higher education institution.

"(B) The total number of committee members may not exceed 25.

"(C) If a comparable local committee is in place which includes more than 25 members and includes or will include representatives required by this title, the membership limit in paragraph (B) will be waived.

"(3) Following the selection of the additional members, the superintendent shall convene a meeting of the full committee to establish procedures regarding the operation of subsequent meetings, including the designation of a committee chairperson, consistent with applicable State and local law.

"(4) Each meeting of such committee shall be open to the public.

"(5) The committee shall develop the local plan described in subsection (b).

"(b) LOCAL PLAN.—(1) As described in the State reform plan, and consistent with the recommendations of the panel established under section 9006, the State shall make subgrants to local educational agencies. Each subgrant shall be of a sufficient amount to develop or implement a locally developed plan which—

"(A) is formally approved by the local educational agency;

"(B) describes a process to ensure broad-based community participation in the development of the local plan;

"(C) provides assurance that the local educational agency shall provide for an ongoing evaluation of the effectiveness of the plan in meeting State and local goals, and that such agency will annually review the local plan;

"(D) proposes district-wide reform which includes—

"(i) the setting of local goals;

"(ii) the development of adoption of curricular and instructional materials which reflect State goals, State curricular frameworks and local goals;

"(iii) the development or adoption of an assessment system which is curriculum based and includes achievement and other indicators that validly, fairly, and reliably measure progress of all students (including students from non-English language backgrounds and students with disabilities) toward meeting State and local goals;

"(iv) the provision of teacher and administrator training; and

"(v) a review and restructuring, if necessary, of the administrative and staffing structure of the local educational agency and individual schools within such agency.

"(E) describes how parents are involved in the development, operation, and evaluation of programs and activities assisted under this title;

"(F) provides for the availability of curricular frameworks, curricular materials, and professional development in a non-discriminatory manner;

"(G) provides for the ongoing evaluation of the effectiveness of the local plan in closing the gap between high and low achieving students using achievement and other measures such as attendance, grade retention, and dropout rates;

"(H) reviews existing Federal education programs, including early childhood education programs, and how they contribute to the local plan;

"(I) based on the recommendations of teachers and principals, identifies and describes Federal, State, and local laws and regulations that may impede the implementation of the plan, if any;

"(J) describes the process that will be used to ensure that the funds received will be used to the maximum extent at the local school level; and

"(K) describes the steps the local educational agency shall take to ensure that successful practices supported by assistance provided to schools under this title shall be disseminated to other schools in the local educational agency.

"(2) In making subgrants to local educational agencies under this subsection, the State shall give priority consideration to local plans which are broadly supported within their communities as evidenced by—

"(A) the comments of the local committee required under subsection (e)(2);

"(B) the record of the hearings conducted by local educational agencies under subsection (d)(2); and

"(C) letters and resolutions submitted by local groups and organizations.

"(c) ASSISTANCE FOR LOCAL PLAN DEVELOPMENT.—The State shall, upon the request of the committee of a local educational agency, provide technical assistance in the development of a local plan which—

"(1)(A) is to be submitted by a local educational agency with a large number or percentage of educationally disadvantaged students or students who have dropped out of school; or

"(B) is to be submitted by a local educational agency which demonstrates need for such assistance;

"(2) promotes comprehensive, district-wide reform; and

"(3) has the support of parents, teachers, businesses, and community-based service organizations.

"(d) SUBMISSION OF LOCAL PLAN.—(1) The committee shall submit the plan to the local educational agency for review.

"(2) Prior to consideration of the plan for approval, the local educational agency, with proper public notice, shall conduct public meetings to:

"(A) receive an explanation of the plan by the local committee;

"(B) review and discuss the plan, including—

"(i) whether it meets the requirements of this section;

"(ii) the revenue, resource, and budget implications of the plan for the local educational agency; and

"(iii) the effect of the plan on staffing, organization, personnel policies, and collective bargaining agreements of the local educational agency;

"(C) discuss possible modifications to the plan; and

"(D) solicit the views of other interested persons, including the superintendent, principals, teachers, other officials of the local educational agency, parents, and students.

"(e) CONSIDERATION OF LOCAL PLAN.—

"(1) After the meetings required under subsection (d), the local educational agency, with proper notice, shall convene a public meeting to consider the local plan and shall—

"(A) approve the plan;

"(B) disapprove the plan; or

"(C) return the plan to the committee for further development.

"(2) A local educational agency which approves a local plan shall include the written comments of the local committee prior to submitting such plan to the State for consideration for a subgrant.

"(3) Additional development, submission, and consideration of the local plan shall be consistent with the provisions of this section.

"(f) ADDITIONAL SUBGRANT.—A local educational agency may not receive an additional subgrant in a succeeding year unless such local educational agency demonstrates reasonable progress in the implementation of its local plan and, after its third year of funding under this title, provides evidence of improved student achievement.

"(g) REVIEW OF LOCAL PLAN.—(1) The committee and the local educational agency shall review, on an ongoing basis, the progress of the local educational agency in implementing the local plan for the period during which such agency receives funding under this title.

"(2) The committee shall annually submit a written progress report to the local educational agency, the State panel established under section 9006, and the State educational agency. The local educational agency may submit a separate report, including comments on the report submitted by the committee.

"SEC. 9009. LOCAL USES OF FUNDS.

"(a) DEVELOPMENT OF PLAN.—A local educational agency which receives a subgrant under this title shall use the funds for the purpose of district-wide reform, consistent with the State and local plans. Activities authorized under this section are—

"(1) the development and implementation of the local plan;

"(2) New American Schools which reflect the best available knowledge regarding teaching and learning for all students in public schools, which use the highest quality in-

structional materials and technologies, and which are designed to meet national, State, and local educational goals as well as the particular needs of their students and communities;

"(3) choice programs consistent with State law and State constitutions which permit parents to select the school their children will attend;

"(4) systems such as merit schools which reward public schools with students who, as a group, demonstrate improved performance on curriculum related outcome measures accepted by the States or developed in the State assessment process;

"(5) activities that supplement early childhood education programs and increase the readiness of young children to learn;

"(6) site-based management which places maximum decisionmaking authority at the individual school level and that, at a minimum, involves teachers and other professional staff;

"(7) activities which maximize parental involvement in improving the education of their children;

"(8) coordination of health and social services with education;

"(9) planning to improve the use of technology in schools;

"(10) development or adoption, with substantial involvement of principals, teachers, and other administrators, of curricula, instructional materials, and assessment instruments which are consistent with State frameworks and local goals.

"(11) other school reform activities which will bring about comprehensive school improvement through systemic change in the local educational agency; and

"(b) INVOLVEMENT OF PRINCIPALS AND TEACHERS.—A local educational agency shall involve teachers and school principals in the development, operation, and evaluation of activities assisted by funds provided under this title.

"SEC. 9010. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this title, there are authorized to be appropriated $700,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 2001.

"SEC. 9011. ALLOTMENT OF FUNDS.

"(a) TO STATES.—(1) From funds appropriated under section 9010, the Secretary shall allot to the Secretary of the Interior for each fiscal year an amount equal to ½ of 1 percent of the funds appropriated, not to exceed $2,000,000 in any fiscal year, to benefit Indian students enrolled in schools funded by the Department of the Interior for Indian students. The provisions of subsection (b) of this section shall not apply to payments made under this paragraph.

"(2) From the remaining amount appropriated under section 9010, the Secretary shall make annual grants to States with approved applications based upon the formula established in part A of chapter 1 of title I of this Act.

"(b) MATCHING REQUIREMENT.—(1) The Federal share under this title may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this title;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this title;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this title;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this title; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this title.

"(2) The remaining cost of a program that receives assistance under this title shall be paid by the State from State funds and may include contributions from the private sector.

"(3) The share of payments from sources other than funds appropriated under this title may be in cash or in kind fairly evaluated.

"(4) The requirements of this subsection shall not apply to the Virgin Islands, the Commonwealth of Puerto Rico, or Pacific outlying areas.

"(c) MAINTENANCE OF EFFORT.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(d) ADMINISTRATIVE COSTS.—From its annual allotment, a State may reserve for administration (not to include the activities of the panel) an amount not to exceed 4 percent or $250,000, whichever is greater.

"(e) ASSURANCES AND TERMS.—(1) The funds allotted to the Secretary of the Interior under subsection (a)(1) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines will best achieve the purposes of this title. The agreement shall contain an assurance that—

"(A) a panel, as set forth in paragraph (2) of this subsection, shall be established;

"(B) a plan as required in section 9006 shall be developed by such panel; and

"(C) the provisions and activities required under sections 9006 and 9007 shall be carried out in the same time frames stipulated for the States in those sections, provided that the term 'local educational agencies' shall be interpreted to mean 'schools funded by the Bureau of Indian Affairs'.

"(2) To carry out the provisions of this title, and to develop the plan required under the agreement with the Secretary required in paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs to develop a system-wide reform plan. Such panel shall consist of—

"(A) the Assistant Secretary of the Interior for Indian Affairs (or designee);

"(B) the chairpersons and ranking minority members of the Committee on Education and Labor of the House of Representatives and the Select Committee on Indian Affairs of the Senate (or their designees);

"(C) the Director of the Office of the Indian Education Programs of the Bureau of Indian Affairs and such heads of divisions in such office as the Director shall designate;

"(D) a representative nominated by each of the following—

"(i) the organization representing the majority of teachers and professional personnel in Bureau-operated schools;

"(ii) the organization representing the majority of nonteaching personnel in Bureau-operated schools, if not the same organization as in clause (i);

"(iii) school administrators of Bureau-operated schools;

"(iv) education line officers located in Bureau area or agency offices serving elementary or secondary programs;

"(v) the organization representing the majority of Bureau-funded contract or grants schools not serving students on the Navajo reservation;

"(vi) the organization representing the majority of Bureau-funded contract grants schools serving students on the Navajo reservation;

"(vii) the organization representing the school boards required in Bureau-operated schools, not serving students on the Navajo reservation; and

"(viii) the organization representing the school boards required in Bureau-operated schools, serving students on the Navajo reservation.

"In addition, the members of the panel stipulated above shall designate for full membership 3 tribal chairmen (or designees) or representatives of 3 national organizations which primarily represent national Indian education concerns, or a combination of these 2 classes, provided that the National Advisory council on Indian Education, established under the Indian Education Act of 1972, Public Law 92-318 (as amended), shall not be included as an organization for consideration under this provision.

"SEC. 9012. AVAILABILITY OF INFORMATION AND TRAINING.

"(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

"(1) a State educational agency or local educational agency which uses funds under this title to develop goals, curricular frameworks, curricular materials, and assessments shall, upon request, make information related to such goals, frameworks, materials, and assessments available to private schools; and

"(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in its plan for the training of teachers and administrators of private schools located in the geographical area served by such agency.

"(b) WAIVER.—If, by reason of any provisions of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and curricular frameworks for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of this Act.

"SEC. 9013. ANNUAL PROGRESS REPORTS: TECHNICAL ASSISTANCE.

"(a) ANNUAL REPORT.—A State which receives funds under this title shall annually report to the Secretary—

"(1) regarding such State's progress in meeting its goals and plan;

"(2) describing proposed activities for the succeeding year; and

"(3) describing Federal regulations which may impede reform activities under this title as described in local plans approved by the State.

"(b) ADDITIONAL REPORT; TECHNICAL ASSISTANCE.—(1) Each State which receives

funds under this title shall submit to the Secretary a biennial report on revenues available to, and expenditures by, each local educational agency in the State during the second preceding year. This report shall be developed in accordance with data definitions developed and published by the National Center for Education Statistics, and shall include at least the following information for each local educational agency within the State—

"(A) sources of revenues, identified by level of government and type in the case of taxes;

"(B) types of educational services offered;

"(C) pupil enrollment, average daily attendance, and average daily membership;

"(D) demographic information on student population;

"(E) type and responsibilities of each local educational agency, including a description of grade levels served; and

"(F) age and condition of facilities, including the percent of budget expended for maintenance and operation.

"(2) After submission of the first biennial report under paragraph (1), a State, using data and definitions developed by the National Center on Education Statistics, shall include in each subsequent biennial report for each local educational agency the following information:

"(A) tax assessment rates, policies, and practices;

"(B) the ability of such local educational agency to raise additional revenues; and

"(C) the costs of providing elementary and secondary education services.

"(3) The report required by this subsection shall also contain a detailed description of the State's school finance programs including each program's—

"(A) purpose;

"(B) eligibility criteria;

"(C) sources of revenue;

"(D) aggregate level of funding;

"(E) mechanism or formula for distributing funds among local educational agencies; and

"(F) restrictions on use of funds.

"(4) In developing data definitions under this subsection, the National Center for Education Statistics shall consult with individuals knowledgeable in the field of education finance.

"(5) Each State shall make its first report to the Secretary under this subsection not later than two years after the date that the Secretary initially allots funds under section 9011.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, either directly by grant or by contract, to the States to assist them in complying with the requirements of this section.

"(d) DATA REVIEW.—The National Center for Education Statistics shall review these data from reports compiled under this section to determine adherence to the definitions required in subsection (b) before it is submitted for policy analysis by the National Academy of Sciences under subsection (c) of section 9014. The National Center for Education Statistics shall forward to the Secretary and the National Academy of Sciences any discrepancies it determines between the data and the definitions and any corrections necessary to achieve consistency in the data, particularly as it relates to differences in data of the various States.

"SEC. 9014. EVALUATION AND DISSEMINATION.

"(a) EVALUATION.—The Secretary shall evaluate a representative sample of such State and local reform efforts over the course of the 10-year authorization in order to assess the effectiveness of such plans and activities in improving the education performance of all children. Such evaluations shall specifically examine the effects of such activities on disadvantaged students. The Secretary may reserve up to ¾ of one percent of the appropriations for this title to carry out this section provided that ½ of one percent of such appropriation shall be reserved for technical assistance under section 9013(c) and for subsection (c) of this section.

"(b) DISSEMINATION.—The Secretary shall, annually and upon request, disseminate to the States information on approaches and materials developed under this title or through related efforts.

"(c) CONTRACT FOR STATISTICAL AND POLICY ANALYSIS.—(1) The Secretary shall provide, through a contract with the National Academy of Sciences, for the preparation of a statistical and policy analysis of school finance and related data reported by the States under section 9013(b). Such analysis shall—

"(A) address disparities in educational expenditures and the reasons for such disparities among local educational agencies in each State and among States across the Nation; and

"(B) describe the degree to which the data reported by States under section 9013 was useful in its preparation.

"(2) In conducting such analysis, the National Academy of Sciences shall use statistical methods generally accepted by school finance specialists, and shall develop model State school finance programs based on generally accepted concepts of equalized school finance programs. Such models shall take into consideration a variety of factors, including—

"(A) State and local variations in student demographics and needs, and the costs of meeting such needs;

"(B) adequacy of resources;

"(C) ability and willingness of States and local educational agencies to raise additional revenues; and

"(D) costs of providing educational services.

"(3) Not later than three years following the date that the Secretary makes the first allotment of funds to States under section 9011, the National Academy of Sciences shall provide a report containing the information required by this subsection to the Chairpersons of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate and to the Secretary. The Secretary shall expeditiously make such report available to States and, upon request, to the public.

"(4) The Secretary, upon request, shall provide, either directly or by contract, technical assistance to States which endeavor to implement a model school finance program developed by the National Academy of Sciences under this subsection.

"SEC. 9015. REPORT TO CONGRESS.

"The Secretary shall submit annually to the chairperson of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that contains—

"(1) a description of the progress that States receiving funds under this title have made in developing and implementing their plans;

"(2) information from State and local reports regarding requirements in Federal law or regulation which have been identified by States and local educational agencies as impeding the system-wide reform schools under this title; and

"(3) a list by State of average per pupil expenditures reflecting the most recent data reported under section 9013(b) and reviewed under section 9013(d).

"SEC. 9016. GENERAL PROVISIONS.

"Nothing in this title shall—

"(1) supersede State law; or

"(2) be construed to authorize any department, agency, officer, or employee of the Federal Government to—

"(A) exercise any control over the curriculum, program of instruction, administration or personnel of any educational institution or school system; or

"(B) prescribe the use of a particular examination or standards.

"SEC. 9017. DEFINITIONS.

"For purposes of this title:

"(1) The term "assessment system" means a system for measuring the abilities and academic achievement of students that is based upon a set of curricular frameworks and the expected outcomes embodied therein.

"(2) The term "curricular framework" means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level.

"(3) The term "Pacific outlying area" means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until such time as the compact of Free Association is ratified.

"TITLE X—FLEXIBILITY TO IMPROVE EDUCATIONAL ACHIEVEMENT

"SEC. 10001. PURPOSE.

"It is the purpose of this title to allow States, local educational agencies, and schools the flexibility to use and combine Federal, State, and local funds as part of systemic educational reform plans to improve the educational achievement of elementary and secondary school students by waiving certain statutory and regulatory requirements.

"SEC. 10002. PROGRAM AUTHORIZED.

"(a) EDUCATION PROGRAMS.—The Secretary of Education is authorized to waive certain statutory and regulatory requirements (except as provided in section 10004) for States that can demonstrate that such waivers are part of a systemwide education reform plan and where such States and local educational agencies have implemented similar waiver plans.

"(b) ADDITIONAL PROGRAMS.—Waivers may also be requested for requirements regarding the following programs:

"(1) The Head Start Act.

"(2) The Runaway and Homeless Youth Act.

"(3) The Juvenile Justice and Delinquency Prevention Act.

"(4) The National School Lunch Act.

"(5) The School Breakfast Program.

"(6) The Child and Adult Care Food Program.

"(7) The Special School Milk Program.

"(8) The Summer Food Service Program.

"(9) The Community Services Block Grant Program.

"If such waivers are requested, the Secretary shall consult with the heads of other appropriate Federal agencies, if any, in determining whether to approve a project. The Secretary shall obtain the approval of such agency head as part of final approval of such project.

"SEC. 10003. APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—A school, local educational agency, or State that de-

sires to receive a waiver under this part shall—

"(1) indicate which requirements are to be waived and how waiving such requirements is an integral part of the systemic reform plan and will improve educational achievement among students;

"(2) identify the Federal programs to be included in the project;

"(3) indicate which State and local requirements shall be waived;

"(4) describe specific, measurable educational improvement goals and expected outcomes;

"(5) describe methods to be used to measure progress toward meeting such goals;

"(6) describe the student population at proposed schools, including—

"(A) current data regarding the achievement levels of students, particularly disadvantaged students;

"(B) the number of students who—

"(i) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(ii) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Act;

"(iii) are currently or within the past 5 years were migratory;

"(iv) are educationally deprived for the purposes of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

"(v) are eligible for a free or reduced-price lunch.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Education may include additional requirements as may reasonably be required.

"(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local school that desires to receive a waiver under this title shall submit an application to the local education agency, which shall submit such application to the State education agency.

"(d) LOCAL APPLICATIONS.—(1) A local educational agency that desires to receive a waiver under this title shall submit an application to the State educational agency.

"(2) A State educational agency that approves an application submitted by a local education agency shall forward such application to the Secretary of Education for consideration, unless such application requires waivers for programs other than education programs.

"(3) An application that requests a waiver for a program other than an education program shall be submitted to the chief executive of the State and such executive shall forward such application to the Secretary.

"(e) STATE APPLICATIONS.—(1) A State educational agency that desires to receive a waiver under this title shall submit an application to the Secretary for consideration, unless such application requires waivers for other than education programs.

"(2) Such application shall be submitted to the chief executive of the State for review before forwarding such application to the Secretary.

"SEC. 10004. WAIVER RESTRICTIONS.

"Requirements which shall not be waived include—

"(1) requirements governing fund allocations;

"(2) requirements governing privacy of pupil records;

"(3) requirements under title VI of the Civil Rights Act of 1964;

"(4) provisions of section 504 of the Rehabilitation Act of 1973;

"(5) provisions of title II of the Americans with Disabilities Education Act;

"(6) requirements of title IX of the Education Amendments of 1972;

"(7) requirements governing pupil rights under the Individuals with Disabilities Act; and

"(8) requirements governing—

"(A) maintenance of effort;

"(B) comparability; or

"(C) the equitable participation of students attending private schools.

"SEC. 10005. EVALUATIONS AND TECHNICAL ASSISTANCE.

"(a) LOCAL EVALUATION.—Three years after a waiver is given to a local educational agency, the Secretary of Education shall evaluate the effectiveness of such waiver in achieving education reform and raising student achievement.

"(b) TECHNICAL ASSISTANCE.—If the Secretary determines that progress in achieving educational reform is not satisfactory, the Secretary may provide technical assistance to a local educational agency.

"(c) TERMINATION.—If the Secretary determines that the technical assistance does not improve educational reform efforts, the Secretary may terminate any waivers previously granted.

"(d) NATIONAL EVALUATION.—Five years after the flexibility program is implemented and at the end of every succeeding five-year period, the Secretary shall evaluate the effectiveness of the flexibility program nationwide. The findings of such evaluation shall be submitted to the Congress not later than 120 days after such evaluation is completed.

"SEC. 10006. REPORTS.

"(a) LOCAL REPORTS.—A local educational agency or school that participates in a flexibility project under this title shall submit an annual report to the State educational agency that—

"(1) describes project activities;

"(2) evaluates the progress in achieving the goals stated in the application; and

"(3) evaluates the effectiveness of coordinating services for students and their families.

"(b) STATE REPORTS.—A State that participates in a flexibility project under this title shall submit an annual report to the Secretary of Education which evaluates the progress in achieving goals stated in the application.

"(c) SECRETARY REPORTS.—The Secretary of Education shall submit to the Congress a biennial report regarding the national progress of flexibility programs and the effect of such programs on educational reform.

"TITLE XI—NEW AMERICAN SCHOOLS

"SEC. 11001. STATEMENT OF FINDINGS.

"The Congress finds that—

"(1) many American elementary and secondary schools—

"(A) are structured according to models that are outmoded and ineffective;

"(B) rely on notions about pedagogy, management, technology, staffing, and other resources that may be outdated or insufficient for the challenges of the next century; and

"(C) are unsuccessful at equipping the majority of students with the knowledge and skills needed to succeed as citizens and in the workplace;

"(2) new approaches to elementary and secondary education are needed, and without major reforms in elementary and secondary schools, the United States will lose its ability to compete fully and successfully in the world economy;

"(3) although educational change must take place school by school, experience shows that the schools, on their own, will not alter themselves radically;

"(4) there is an appropriate Federal role in providing seed money for the establishment of new types of schools in communities across the country; and

"(5) the Nation is embarking on a major effort to support the invention of radically better forms of schooling, and to establish a network of American communities whose citizens are dedicated to the improvement of education.

"SEC. 11002. PURPOSE.

"(a) NEW SCHOOLS.—The purpose of this title is to support the creation of new schools across the country that reflect the best thinking about teaching and learning, employ the highest-quality instructional materials and technologies, and are designed to meet the national education goals, as well as the particular needs of their students and communities.

"(b) SYSTEMIC REFORM.—In order to carry out this purpose, this title authorizes financial assistance for New American Schools in communities that have undertaken systemic education reform.

"SEC. 11003. ALLOCATION OF FUNDS.

"(a) RESERVATION FOR EVALUATION.—From the amount of funds appropriated to carry out this title for fiscal years 1993, 1994, and 1995, the Secretary shall reserve a total of up to $3,000,000 for a national program evaluation.

"(b) ALLOCATION.—The Secretary shall allocate the remaining funds among the several States in proportion to their respective numbers of members of Congress, including Senators, Representatives, and Delegates. For the purpose of this subsection, the Commonwealth of the Northern Mariana Islands and Palau (until the effective date of the Compact of Free Association with the Government of Palau) shall be treated as if they each had one member of Congress.

"SEC. 11004. STATE APPLICATIONS.

"In order for a State to qualify for its allocation under section 11003(b), the Governor and chief State school officer, where permitted by State law and constitution, shall submit an application at such time as the Secretary may determine, including—

"(1) a description of the process the Governor and chief State school officer have used, in accordance with section 11005, to nominate local educational agencies in consortia with businesses and other community organizations to create New American Schools;

"(2) a list of the local educational agencies nominated by the Governor and chief State school officer, to receive a New American School grant;

"(3) copies of the plans, prepared by each local educational agency nominated by the Governor and chief State school officer for funding under this title, for establishing and operating a New American School or Schools, including, as necessary, a description of the steps to be taken to obtain recognition or accreditation from the State;

"(4) an identification of non-Federal resources that will be available to establish and operate each New American School in the State; and

"(5) such other information as the Secretary may require.

"SEC. 11005. SELECTION OF LOCAL EDUCATIONAL AGENCIES TO CREATE NEW AMERICAN SCHOOLS.

"(a) NOMINATION.—The Governor of each State and the chief State school officer shall nominate for a New American School grant only local educational agencies within the State that have undertaken or are planning to undertake systemic education reform.

"(b) DELEGATION AND DISTRICT NOMINATIONS.—In carrying out subsection (a), each Governor and chief State school officer shall nominate—

"(1) at least as many grant recipients as there are members in the State's congressional delegation; and

"(2) at least one local educational agency in each congressional district in the State.

"(c) SELECTION CRITERIA.—Each Governor and chief State school officer shall nominate local educational agencies on the basis of criteria established by the Secretary, based on the advice of the panel of experts established under section 11007, including, at a minimum—

"(1) the level of commitment and activity displayed by the community to undertake systemic education reform and meet the national education goals;

"(2) the need for new and innovative educational programs in the schools of the community; and

"(3) the quality of the application submitted by the applicant to the Governor and chief State school officer.

"(d) MEETING REQUIREMENTS.—(1) The Secretary, in consultation with of the panel of experts established under section 11007, shall approve some or all of the local educational agencies nominated by each Governor and chief State school officer to receive New American School grants based on the Secretary's determination that such approval would be fully consistent with the purpose and requirements of this title.

"(2) The Secretary shall ensure that—

"(A) to the extent consistent with paragraph (1), a New American School or Schools is created in each congressional district and that the number of such schools created in each State is at least equal to the number of members in the State's congressional delegation; and

"(B) communities with high concentrations of children from low-income families in each State receive an equitable share of awards under this title.

"(e) ADDITIONAL RECIPIENTS.—The Governor and chief State school officer may nominate other local educational agencies or recipients if—

"(1) the Secretary does not approve one or more of the State's nominees after such nominees have been provided with a notice of disapproval and an opportunity to receive technical assistance and resubmit their proposal;

"(2) an approved local educational agency withdraws from the program; or

"(3) the Secretary determines that the community or recipient is unable successfully to carry out its project or is not making adequate progress in carrying out such project.

"SEC. 11006. AMOUNT OF AWARDS, OPERATION OF SCHOOLS, AND USES OF FUNDS.

"(a) GRANT AWARDS.—(1) The Secretary shall make grants for New American Schools to local educational agencies selected by the Secretary under section 11005(d).

"(2) The Secretary, after consultation with the Governor and chief State school officer, shall determine the total amount of each award under this title, except that—

"(A) no such award shall exceed $1,000,000; and

"(B) the Secretary shall consider the expected student enrollment in the New American School or Schools in setting such amount.

"(b) SCHOOL DESIGNS.—In establishing a New American School, the grantee is encouraged to adapt and implement one or more New American School designs developed by research and development teams funded by the New American Schools Development Corporation.

"(c) STARTUP COSTS.—(1) Funds made available under this title may be used only to meet the special startup costs associated with the creation and establishment of a New American School, including—

"(A) planning, curriculum development, and curriculum adaptation;

"(B) training of teachers, administrators, and other staff, as well as parents and members of the community who are involved with the school;

"(C) purchase of equipment and materials;

"(D) minor renovation and remodeling of facilities; and

"(E) obtaining the assistance of outside experts, including one or more of the teams described in subsection (b), to assist in adapting and implementing one or more of the designs developed by such teams to the needs of the individual community and school.

"(2) Such funds may not be used for—

"(A) construction;

"(B) the grantee's general administrative expenses; or

"(C) the establishment or support of a private school.

"(d) RECOGNITION OR ACCREDITATION.—Each New American School shall have obtained State recognition or accreditation, as necessary, and be fully operating by the start of the 1997-1998 school year.

"SEC. 11007. SECRETARY'S PANEL OF EXPERTS.

"Not later than 90 days after the date of the enactment of this Act, the Secretary shall convene an expert panel of educators, representatives of private business, and public representatives regarding the administration of the program authorized by this title, including—

"(1) the criteria to be used to nominate local education agencies for New American Schools; and

"(2) the approval of local educational agencies nominated by Governors and chief State school officers to establish, operate and receive grants for New American Schools.

"SEC. 11008. NATIONAL EVALUATION.

"(a) IMPACT.—The Secretary shall use the funds reserved under section 11003(a) to conduct a national evaluation of the impact of the New American Schools program on schools and communities, and on education generally.

"(b) REPORTS.—The Secretary shall submit such interim evaluation reports to the President and the Congress as may be appropriate, and shall submit a final report by September 30, 1999.

"SEC. 11009. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this title, there are authorized to be appropriated $100,000,000 for fiscal year 1993, $200,000,000 for fiscal year 1994, and $300,000,000 for fiscal year 1995. Such sums shall remain available for obligation by the Secretary for 2 fiscal years beyond the fiscal year for which they are appropriated.

"SEC. 11010. DEFINITIONS.

"For the purpose of this title—

"(1) the term "community" means—

"(A) a unit of general purpose local government, such as a city, township, or village;

"(B) a geographically distinct area, such as a school district, school attendance area, ward, precinct, or neighborhood; or

"(C) an identifiable group of individuals, such as the members of a service organization, who generally reside in a particular geographic area;

"(2) the term "Governor" means the chief executive of a State;

"(3) the term "New American School" means a school that—

"(A) provides elementary or secondary education, as determined under State law;

"(B) reflects the best thinking about teaching and learning;

"(C) employs the highest-quality instructional materials and technologies;

"(D) is designed to meet the national education goals, as well as the particular needs of the students and communities it serves;

"(E) provides regular reports to the community on the achievement of its students; and

"(F) meets all State and local health and safety requirements; and

"(4) the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"TITLE XII—MENTOR PROGRAM

"SEC. 12001. PURPOSE.

"The purpose of this title is to improve academic performance and reduce the dropout rate of students through the use of mentors for at-risk students.

"SEC. 12002. ELIGIBLE ENTITIES.

"(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency or elementary or secondary school must submit an application to the Secretary of Education in such form and containing such information that the Secretary may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) an assurance that 60 percent or more of the students are eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965;

"(2) systematic education reform efforts are being made.

"(3) a provision for a mechanism for matching youth with mentors based on the needs of the child;

"(4) an assurance that no mentor would be assigned to more than one child to insure a one-on-one relationship;

"(5) an assurance that projects operated in secondary schools shall provide students with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills which will be required to students to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences students might not otherwise encounter.

"(6) an assurance that projects operated in elementary schools will provide students with—

"(A) academic assistance;

"(B) exposure to new experiences and activities students might not encounter on their own; and

"(C) emotional support;

"(7) an assurance that projects shall be monitored to ensure a student is benefiting from a mentor relationship with the provision for a new mentor assignment if such relationship is not beneficial to the child; and

"(8) allowance for the use of older youth as mentors to younger children, particularly if a child has limited English proficiency and

can be matched with an older child who can assist the younger child in improving literacy skills and assist with classwork assignments.

"SEC. 12003. AWARD OF GRANTS.

"(a) SELECTION CRITERIA.—The Secretary shall consider the following factors in awarding grants to local educational agencies:

"(1) The number of students who are eligible for funds under chapter 1 of the Elementary and Secondary Education Act of 1965.

"(2) The efforts made to develop and initiate systemic education reform.

"(3) The geographic distribution (urban and rural) of applicants.

"(b) GRANT PERIOD.—Grants awards under this title shall be awarded for a three-year period.

"SEC. 12004. REPORTS.

"(a) REPORTS TO SECRETARY.—Local educational agencies and schools that receive grants under this title shall submit an annual report to the Secretary of Education regarding the progress of students served under a mentor demonstration project, including:

"(1) the number and percentage of ethnic and minority students served;

"(2) the number and ages of all students served;

"(3) academic progress of all students participating.

"(4) the number of ethnic and minority individuals participating as mentors in the project; and

"(5) Community support for the project.

"(b) REPORT TO CONGRESS.—Not later than 120 days after completion of the 3-year grant cycle, the Secretary shall submit to the Congress a report regarding the success and effectiveness of the demonstration program.

"SEC. 12005. DEFINITIONS.

"For purposes of this title—

"(1) the term "at-risk student" means a student at risk for educational failure or dropping out of school; and

"(2) the term "mentor" means an individual who works with an at-risk students on a one-to-one basis, establishing a supportive relationship with such students, and providing them with academic assistance and exposure to new experiences which enhance their ability to succeed academically and become good citizens.

"SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 and 1995."

SEC. 3. LIMITATION.

None of the appropriations made pursuant to authorizations contained in the amendments made by this Act may be used to provide contraceptive devices or to provide abortion counseling.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes, and a Member opposed, the gentleman from Michigan [Mr. KILDEE], will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BARRETT], a member of the Committee on Education and Labor.

Mr. BARRETT. Mr. Chairman, because I really want educational change, I rise in support of the Goodling substitute to H.R. 4323, a bill euphemistically titled the "Neighborhood Schools Improvement Act". Let's make no mistake, H.R. 4323 is wrapped in a thin veil of education reform, but it wears the heavy cloak of business as usual, and is draped with special provisions and protections to keep special interests warm, while kicking our children out into the cold.

The House Education and Labor Committee's journey through education reform at the beginning of this session started and, I thought, ended as a bipartisan effort when we reported H.R. 3320, or what we are looking at today as the Goodling substitute. H.R. 3320 is the only major bipartisan education bill that the committee reported out during this session. And I had thought the committee had decided that it wanted a bill, rather than an election year issue.

In fact, I received a letter from the Nebraska Department of Education, in which they stated that H.R. 3320 "provided critical assistance to the Nebraska Department of Education and the local schools to plan together and undertake systemwide reform."

I was pretty enthused about this bipartisan bill and looked forward to passing a bill that the President would probably sign. It included things that I supported, and also included some things I have serious problems with.

But what is the overarching component of the Goodling amendment that I find the most attractive? Pure and simple, it is local control.

It allows local business, education, and civic leaders a limitless chance at looking at their schools and seeing where they are deficient, make meaningful recommendations that must be approved by the local school board, before they can be forwarded to the State.

H.R. 4323, on the other hand, cripples this local panel by making it yet another advisory committee to the school board. The panel's initiatives can be amended to death by the school board and then sent onto the State.

As a former school board member, I only wish that I had the flexibility and freedom to look at our local school and make meaningful changes—as envisioned in the Goodling amendment—rather than being constrained by Federal and State bureaucrats who knew little of the needs of my local community.

The Goodling amendment also includes the four-letter word for the education community, the word is "choice."

I do not swallow the idea that "choice" in education is the answer to education improvement that the proponents claim—it may very well be part of the answer, but it is not the complete answer.

If State law allows, it should be reserved as an option for the local panel and school board to consider. And, if we can't have the confidence and trust, that our local community leaders have the sense and judgment to make these kinds of decisions, then our education system is in sorry shape.

This Congress must have that confidence and trust in our local leaders if education reform is to get off the ground. After all, if there is to be fundamental education reform, the ones that will be taking the risks for the sake of our children's futures, will be the local leaders, not Congressmen and women, or Senators, or Presidents.

In conclusion, I hope that Members too will support the Goodling amendment. It provides our children with a real chance to succeed; not to remain in the dark shadow of special interests who clamor for change, but then clam up when it comes time for enacting those changes.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

I have obviously reviewed the gentleman's amendment and there are parts of it which he knows I like very much.

However, there remain significant differences between us, and I, for that reason, must oppose the amendment.

Rather than the cautious approach to education standards and testing proposed in H.R. 4323, the substitute takes a much more aggressive stance in that area.

The notion of a system of assessments with Federal Government involvement is unprecedented in American education even though the gentleman's proposal is more thoughtful than many that have been proposed, we do not have enough information to safely establish all phases of a system of national education assessments at this point.

H.R. 4323 proceeds more cautiously by authorizing the development and evaluation of model mathematics assessment over a 2-year period.

At the end of 2 years we will have better information on the model assessments as well as on national education standards being developed in other subject areas.

With that information then, we can then make more informed decisions on how or whether the Federal Government should proceed in the area of assessment.

At this time I also am concerned over the Regulatory Flexibility Provisions in the substitute offered by the gentleman from Pennsylvania [Mr. GOODLING], an area where both of us hope to make some progress, but I at this point have some concern.

As I said, I share the gentleman's concern over the need for more flexibility, and he and I discussed this over a number of years, and I hope to address

this issue further during the reauthorization of the Elementary and Secondary Education Act in the next Congress.

However, instead of a demonstration program targeted at improving services to disadvantaged children, the regulatory flexibility provisions in the Goodling substitute would establish a permanent authority for the waiver of many statutory and regulatory requirements.

Twenty-seven national organizations representing the disability community oppose the substitute offered by the gentleman from Pennsylvania [Mr. GOODLING] because of the waivers it will permit under the Individuals with Disabilities Act, and, Mr. Chairman, I include for the RECORD a letter from the Consortium for Citizens with Disabilities opposing the Goodling substitute.

The letter referred to is as follows:

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
August 12, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN FORD: The Education Task Force of the Consortium for Citizens with Disabilities writes to urge you and your colleagues to defeat the Goodling Amendment to H.R. 4323, the Neighborhood Schools Improvement Act. This amendment is scheduled to be considered on the floor of the House today.

The Consortium for Citizens with Disabilities is a working coalition of numerous national advocacy, consumer, professional and provider organizations who advocate on behalf of our nation's citizens with disabilities. CCD recognizes that Part B of the Individuals with Disabilities Education Act, commonly known as P.L. 94-142, is one of the most cherished and important federal laws serving children with disabilities. This law established the right to a free, appropriate public education (FAPE) for students with disabilities and contains several vital provisions, which, taken together, guarantee FAPE for all eligible students. Another key provision of IDEA is the Part H Early Intervention Program for Infants and Toddlers. Part H authorizes new comprehensive, statewide efforts to serve all children with disabilities from birth through 2 years of age. The CCD has fought off a number of legislative and regulatory attempts to weaken or eliminate key provisions of P.L. 94-142 since its enactment in 1975.

One aspect of the Goodling Amendment would again place Parts B and H of IDEA under serious jeopardy. Under the amendment's waiver provision (Section 10002), the Secretary of Education would be authorized to waive certain statutory and regulatory requirements of numerous federal programs, including IDEA. Another section within the amendment (Section 10004) would restrict waivers "governing pupil rights" under IDEA. Although we recognize that Congressman Goodling's intent is to improve special and other education programs, the proposed language to restrict allowable waivers under IDEA is insufficient to fully protect students with disabilities. The proposed language is subject to too much interpretation by school officials, the federal government and other interested parties.

While the undersigned organizations continue to seek out and participate in education reform leading to better outcomes for students with disabilities, we are simply unable to support this approach. Thus we urge all members of the House to oppose this amendment.

American Association of University Affiliated Programs.
American Association on Mental Retardation.
American Council of the Blind.
American Speech-Language-Hearing Association.
Association for Education & Rehabilitation of the Blind & Visually Impaired.
Autism National Committee.
Child Welfare League of America.
Children with Attention Deficit Disorders.
Conference of Educational Administrators Serving the Deaf.
Convention of America Instructors of the Deaf.
Council for Exceptional Children.
Council of Organizational Representatives Serving the Deaf.
Council of State Administrators of Vocational Rehabilitation.
Epilepsy Foundation of America.
Federation of Families for Children's Mental Health.
Learning Disabilities Association.
Mental Health Law Project.
National Association for Music Therapy.
National Association of Developmental Disabilities Councils.
National Association of Private Residential Facilities.
National Association of Protection and Advocacy Systems.
National Association of State Directors of Special Education.
National Center for Learning Disabilities.
National Council on Rehabilitation Education.
National Easter Seal Society.
National Mental Health Association.
The Arc, formerly the Association for Retarded Citizens.
The Association of Persons with Severe Handicaps.
United Cerebral Palsy Associations, Inc.

The substitute also provides for a separate authorization for the development of new American schools.

New American schools are already an allowable use of funds as part of a local systemic reform plan under H.R. 4323.

A duplicative authority for this purpose is unnecessary.

Finally, the substitute would eliminate the provision in H.R. 4323 which would make meeting school delivery standards an allowable use of funds, and I think since all these standards, all the assessments, are voluntary, we should at least have as an allowable activity school delivery standards rather than just standards for students. We need some school delivery standards to find out whether the student is failing or whether the school is failing.

□ 1330

This provision removes from the bill an important means of ensuring that all children have a fair opportunity to learn.

For these reasons, although there are many good provisions in the bill and many that the gentleman from Pennsylvania [Mr. GOODLING] and I have worked on through the years, for these reasons I urge strongly the defeat of the Goodling substitute.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there were those who went out and tried to stir up the disability community and had them write a letter many Members received which had nothing to do with reality. I would like to include for the RECORD the information sent out.

One aspect of the Goodling Amendment would again place Parts B and H of IDEA under serious jeopardy. Under the amendment's waiver provision (Section 10002), the Secretary of Education would be authorized to waiver certain statutory and regulatory requirements of numerous federal programs, including IDEA. Another section within the amendment (Section 10004) would restrict waivers "governing pupil rights" under IDEA. Although we recognize that Congressman Goodling's intent is to improve special and other education programs, the proposed language to restrict allowable waivers under IDEA is insufficient to fully protect students with disabilities. The proposed language is subject to too much interpretation by school officials, the federal government and other interested parties.

Mr. Chairman, if in fact they would have encouraged them to read my legislation, these groups would have discovered their concerns had nothing to do with reality. What they are saying is just the opposite of what those people did at a convention, as a matter of fact, where they said they would like to break the wall between special education, chapter I, and so on.

Mr. Chairman, I have always been a strong supporter of Public Law 94-142, which guarantees a free, appropriate, public education to all children with disabilities and have opposed legislation which would weaken that law. However, this substitute does not weaken any rights for students with disabilities. In fact, section 10004 specifically safeguards all pupil's rights under IDEA. Those rights include:

First, the right to a free, appropriate public education.

Second, the right to an individualized education program.

Third, the right to transition services once the child turns 16.

Fourth, the right to procedural safeguards which include: the opportunity for parents to examine all relevant records with respect to identification, evaluation, and educational placement of their child; confidentiality requirements to protect the child; written notice to parents whenever a change is made regarding identification, evaluation, or educational placement of the child; informing the parent in their native language; and the opportunity for parents to present complaints about the identification, evaluation, or educational placement of their child.

Fifth, the right to an impartial due process hearing.

Sixth, the right to appeal the findings and decision rendered by an impartial hearing to the SEA which must conduct an impartial review of the hearing.

Seventh, the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to problems of children with disabilities.

Eighth, the right to bring a civil action with respect to the complaint in any State court or district court of the United States without regard to the amount in controversy.

Ninth, the right of the court to award attorney's fees as part of the costs to the parents of the child with a disability if they are the prevailing party.

As you can see, my substitute does no harm to these important provisions.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I rise in somewhat reluctant opposition to the substitute offered by the gentleman from Pennsylvania [Mr. GOODLING]. Before I do, I acknowledge with great appreciation the contributions the gentleman has made to assuring full and equal access for special needs students. I also acknowledge the fact that nothing in my opposition to the substitute of the gentleman from Pennsylvania [Mr. GOODLING] goes to his intent in drafting the substitute or supporting it.

Mr. Chairman, my concern is more a matter of practice should the substitute be adopted, and it goes to this point: one of the most difficult, expensive, and unpopular things to do in a local school district, as the offerer of the amendment, the gentleman from Pennsylvania [Mr. GOODLING] well knows, is to promote and support the education of special needs students.

Special needs students and their parents are not a particularly well organized or powerful constituency in many areas of the country. Their concerns are very often less popular and less politically sustainable or less politically appealing than those of other demands that people might make upon a school district or a State.

I am certain that it is for those reasons that the gentleman who offers the amendment has been a leader in assuring rights of those students.

My concern is that a broader waiver provision, whether it is vested in the Secretary of Education or some other official, broadens the temptation and broadens the possibility that the rights that have been vested in the law would not be fully upheld on behalf of the students.

My concern does not rest with the intent of the substitute, it rests with the risk of its operation and practice, and for that reason I would oppose it.

The second reason, to reiterate a point made by the gentleman from Michigan [Mr. KILDEE], is my concern about the degree of support that we are going to demonstrate for national standards or national levels of standards under this bill. I think there is great consensus that there ought to be standards that apply across our schools and across our States. There is certainly not consensus that those standards should be developed by any Federal body, and there is certainly not consensus as to how the standards ought to be tested, evaluated, or taken into account.

The version of this bill put forward by the subcommittee I believe strikes a more appropriate balance between the need for a clear articulation of national standards and the avoidance of the imposition of Federal requirements which may be arbitrary and ill thought out.

Mr. Chairman, for those two reasons I respectfully oppose the substitute, although I extend on my own behalf and I think many others who will oppose this substitute an offer of continued cooperation with the gentleman from Pennsylvania [Mr. GOODLING] so that we can expand upon our areas of common agreement.

The CHAIRMAN. The Chair would announce that the gentleman from Pennsylvania [Mr. GOODLING] has 15 minutes remaining, and the gentleman from Michigan [Mr. KILDEE] has 12 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I want to take this opportunity to rise in strong support of the substitute offered by the ranking member of the Education Committee, Mr. GOODLING.

Unlike the committee bill, which will not revolutionize anything, and which has been characterized as "all cliches and show business," the Goodling substitute embodies the original, bipartisan Kildee-Goodling school reform initiatives in H.R. 3320. This language, which cleared the committee last November, was the result of months of bipartisan negotiations between the administration and the Education and Labor Committee. The Goodling substitute has the full support of the administration, and by offering it today, Mr. GOODLING offers this House the opportunity to vote for real, substantive education reform. This is the President's bill.

Specifically, the Goodling substitute includes many of the President's America 2000 reform oriented strategies. America 2000 is designed to challenge and transform our schools and our attitudes about education by going outside the current system, and promoting more community involvement.

The substitute provides a separate authorization for the New American Schools Program. These proven, break the mold, publicly accountable schools reflect the best and most innovative approaches to teaching, learning, and educational technologies. Under the Goodling language, one of these schools would be funded in every congressional district.

Unlike the committee bill, the language offered by my colleague contains a broad regulatory flexibility proposal to advance student achievement. Specifically, the amendment would allow States, local educational agencies, and schools to combine Federal, State, and local funds to fulfill educational reform plans. Most of the Department of Education's elementary and secondary programs would be covered, and waivers would be available in all schools in all 50 States.

More flexibility and power to engage in real reform would be provided to local education agencies under the substitute than is possible under the committee bill. There has been some discussion today of the issue of school choice: Under the Goodling substitute, choice would be available as a reform option. If the local community, the local school district, and the State agree it should be permitted. Each one of them has a veto over any choice element in the reform plan.

The substitute also recognizes the need to create a system of rigorous voluntary standards and assessments to provide parents with additional information to judge the quality of their childrens' education.

I also want to point out that the substitute calls for a demonstration program to incorporate school with real-life experience through the creation of a mentoring program and requirements for exposure to work environments and new activities. By providing role models, academic encouragement, and motivation for at risk students, the substitute goes far beyond the committee bill. In dealing with our students as whole individuals, not just as faces in the classroom, it assures the success of education reform.

Mr. Chairman, unlike the committee bill, the Goodling substitute provides the authority to truly begin the process of reforming and transforming our Nation's schools. It clearly recognizes the need for vision, for new approaches, for flexibility and accountability at the local, the State and the Federal level.

Its principles have already received the bipartisan support of the Education and Labor Committee, and it has the full support of the President and the Department of Education. I urge my colleagues to vote for the Goodling substitute.

□ 1340

Finally, Mr. Chairman, let me say, how are we to judge? How are we to judge the quality of our children's edu-

cation unless the Goodling substitute is adopted for voluntary standards and assessments?

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

I want to rise in support of his bill and with more than a little reluctance to oppose the offering of the gentleman from Pennsylvania.

I want to thank my friend from Michigan [Mr. KILDEE], for his stalwart leadership in education over all the many years he has served in the House and the many years that we have been friends. The state of education in America is much the better for the gentleman's work and support.

But I also want to commend my friend, the gentleman from Pennsylvania [Mr. GOODLING], whose father I served with before he joined Congress. And I would say the same thing, your support on public education both as a professional and now as a Member of Congress has been unsullied and it has been stalwart through the years. I think you make a very sensible and a very attractive offering at this time.

But, because I believe there ought to be a certain amount of additional groundwork and experiment done on the whole question of school choice, whether public school choice or public-private school choice, I will oppose the gentleman's amendment.

I am happy, however, to note that his amendment does include what is in the chairman's bill, which is support for State and local school reform. The bill requires a committee structure which includes the users of education, the providers of education. And it also has support for States like Kentucky, my home State, which has taken national leadership in the whole question of school reform under the Kentucky Education Reform Act.

So I am happy to see that whatever happens in today's vote, that the bill that moves from this House will support States like mine, which at great cost to the States, both financially and politically, have made a move to reform their schools and to try to produce for the year 2000 the kind of students who can handle the jobs that will be required of them and also live the lives that will be required.

There is nothing more important that we in Congress can do than to support the efforts being made at the State and local school district level to reform and improve elementary and secondary education.

There is nothing more important than aiding schools to improve the achievement of all their students.

There is nothing more important than to help schools prepare students for the lives they will lead in the next century and the jobs they will hold in the 2000's.

I would like to single out a few of the many very significant provisions in the bill.

Local communities: The bill requires school districts to establish local committees to develop and implement educational reform plans.

This is a very positive feature, committees must include representatives from local government, school districts, businesses, and interested local citizens.

My home area's school system—Jefferson County public schools which include my hometown of Louisville, KY—already works in concert with the community at large.

H.R. 4323 will encourage these efforts and promote and encourage more of the same kind of cooperation to produce a better form of public education.

Local reform activities: I am pleased that the bill allows school districts to use funds to support reform activities.

The Commonwealth of Kentucky became a national leader in the reform movement with the enactment of the Kentucky Education Reform Act of 1990 [KERA].

Since that time, school districts across the Commonwealth, including the Jefferson County public schools, have gone about the task of implementing the reforms of the landmark KERA legislation.

These reforms represent the dawning of a new day. They represent a fundamental change in the way Kentucky will educate its children.

H.R. 4323 supports these reform activities such as these today being undertaken by school districts such as Jefferson County public schools.

So I want to thank the gentleman from Michigan [Mr. KILDEE] and I urge my colleagues to vote for H.R. 4323.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I am delighted to follow my good friend, the gentleman from Kentucky [Mr. MAZZOLI] here to the well, because I think he really articulated what this debate is all about. We have all agreed that if we are going to have school reform, it is going to happen at the local level. It has to happen at the community level.

I do not think there is any disagreement on either side about that. Both bills have the local plan, and even the State plan.

The real issue we have in this substitute is will there be national leadership or will there be national apathy? Do it, if we want; do not do it, if we do not want it.

That is really the issue in the Goodling substitute because unlike the bill that came out of committee, the Goodling substitute says very specifically, we will have the national standards and assessments. It says, we will not have studies. The Goodling bill says, we will have a separate authorization for 21st century schools.

If there is one part of this bill that I think everybody agrees is the real foundation for education reform, it is the 21st century schools, the opportunity for people to break the mold and to create that special school they want in their district.

I have a school in western Wisconsin that is into this project. They said:

> The one thing we don't have, we don't have a school of international education. We don't teach our kids foreign language at the elementary level. We don't teach them metric. We don't teach them world history, world culture. If we are going to have an international economy on the very day that NAFTA is signed, by gosh, we better give our kids an opportunity to have that kind of international education.

That is the 21st century school, my colleagues. That is what the Goodling substitute is all about.

In the area of educational flexibility, last session, Gus Hawkins came to this floor in support of a compromise on educational flexibility that gave communities and schools the chance to come back to us with a plan that, as long as it guaranteed outcomes, as long as it guaranteed no discrimination, that we would allow that school to take those Federal regulations and take those State regulations and put them on the shelf in the interest of a comprehensive, innovative, effective education plan to those local kids.

The Goodling substitute says, "Do it wherever you are. You don't have to be involved in the politics of being one of the 20 schools chosen by your State's chief school officer," as is the word under the Kildee proposal that is in front of us.

And then the issue of choice. The best way to describe choice is that the Goodling substitute represents the Sununu-Ford-Kildee-Goodling agreement on choice, because those were the members that agreed to this provision on the Committee on Education and Labor saying, not like the gentleman from Texas [Mr. ARMEY] said, we are going to mandate choice on everybody, it said, "Let choice be the choice of the local school."

Before I sit down, please, my colleagues, take a good look at the bipartisan Goodling substitute. It came out of committee on a bipartisan vote. This is the real bipartisan education reform bill.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, it is difficult to oppose the Goodling substitute because of my personal feeling toward him. We have done a lot of traveling together, as a member of the committee, in comparing other systems in other countries with our system here to try to see how we can improve our public educational system

here to compare with other countries. And I realize that the bill which we are discussing today is not a cure for all that ails our public educational system.

But let me tell my colleagues that I, frankly, feel that the Goodling substitute certainly does not strengthen our educational system. I think it takes away from what is needed.

I am very concerned about the question of choice, regardless of what form it is proposed, whether it be mandated or optional. I think this is going to be the kind of approach that is going to weaken our public educational system and allow less access to education for our economically disadvantaged students, which are suffering now from a lack of education.

In the State of Illinois, which I come from, more money is spent to educate a kid that lives in the suburbs around Chicago than those that go to school in the inner city of Chicago, where many of our economically disadvantaged kids live.

I want a system which is decaying now, really helped and benefited from what we do here in this Congress. Please, let us not continue to talk about doing less. If we understand the importance of education and what it means to our future, the future of this great Nation, then we put education and its access to all on an equal plateau, where poor kids would have an access to education and be treated in math and science in the same way as the kid who has money.

When we talk about a voucher system, choice, parental choice for education, we are really going to spend money on those schools where the best students go, and those who are poor are given less opportunity for education.

This is why I am really opposed to any mention of any kind of a provision that contains a provision of choice, whether it be mandated or optional.

□ 1350

That is why I vote against it, and I suggest that we oppose the Goodling amendment and support the bill that is being proposed by our chairman on our committee.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I do not expect to use my entire 2 minutes, but I do want to make two very important points. At least they are important to the people in my district.

I have been in schools that can show me a way to deal with special ed kids that is better for the kids, better for the teacher, better for the whole situation, that is difficult to actually do because of the prospective nature of Federal law. These schools need flexibility. The teachers need to be able to respond to the kids in a way that the kids need.

There is not any other setting in our society that has not changed in the last decade. It has changed the way that people work together to accomplish their goals. Schools have changed, to some extent, in this regard, but they have not been allowed to change in the way they need to change because we cannot tell them how to change, we cannot write laws that guide that change. That change has to come from the bottom up. It is teachers, it is kids, it is administrators, and they need the flexibility that is in this law in order to do what the children need to learn.

The second point, our schools, our public schools, are excellent. There are many schools in this district that are positively outstanding. America is blessed with great and gifted, caring teachers and dedicated administrators.

However, we have kids coming into our system who are different than the kids who have ever come into our system. We have kids coming to school who had no breakfast, who heard fighting all night, who heard shots in the streets and people being killed. We have kids whose needs are different and whose experiences of life are different, who have never been read to but who have seen television.

The new schools initiative can provide us with an opportunity to learn how do we reach the kids that are not being reached, how do we set higher standards for the kids who are capable of reaching higher standards. Without the new schools allocation of resources that is in the Goodling substitute, we will not have that opportunity for barrier-breaking research.

This is reform. This Congress has to have the courage to reform.

Mr. KILDEE. Mr. Chairman, I reserve my right to close the debate.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I rise in strong support of the Goodling amendment for a whole host of reasons. I have been a schoolteacher for years and years and years, and I see how Government outside bureaucracy stifles initiative, incentive, and motivation in the public schools.

I want to give one quick example, and there are a lot of things that I could say positive about the Goodling amendment. I strongly endorse the people of this House from a schoolteacher perspective. If the Members want good quality education, support the Goodling amendment.

I was a civics teacher and taught freshman civics. In the State of Maryland a child has to pass a State test in order to get a high school diploma. We would always identify kids that could not pass this test.

What we did was, we took a woman who was paid for by the Federal Government who taught them career skills. She had three periods a day off. She volunteered. She said she would love to teach these kids civics skills beyond what we taught them in the classroom.

We arranged the whole schedule, had everything nailed down, and we were told the day before the program was going to be started that this woman could not do it because she was paid for by the Federal Government, and could only teach careers. She could not teach about civics.

We need some flexibility. Please vote for the Goodling amendment.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] has 6 minutes remaining.

Mr. GOODLING. Mr. Chairman, I am going to have to speak rapidly to cover everything in 6 minutes. Let me say that the bipartisan bill which I present today, the Kildee-Goodling bill, will bring about systemic change if anything will. There is nothing else that has been offered today that will do that. This will. I would ask the Members to look at several issues.

First of all, we have real involvement of the local committee. We cannot ask local people to volunteer their time to make a change, to make a difference, to make recommendations, when they understand that, "Well, it does not matter what we say and what we do, the school board in the end can rewrite the whole thing."

I say the school board has the very first control by saying, "We will make an application." They have the last, because they say, "We will or will not forward that application to the State." However, they do not rewrite what all these people wrote and sent that on.

Second, all funds must go to local education reform programs. The program that I offer says that, "Here are 6, or 7, or 8 different ideas," not 15 or 20 or anything under the sun, because what the majority does in their bill is merely say that, "Here is the money. Go do more of the same. You have been so successful in the past." That is why everybody is jumping up and down screaming how wonderful our public school education is. "Here is more money, do more of the same." We do not do that. We say that it must be used for reform.

Again, let me reemphasize, everyone here knows where I stand on choice and where I stand in relationship to public school education. In my substitute, which is, I will say, and pardon me for saying this, the Ford-Sununu language, the local school district makes that determination. They can do anything they want. They do not have to do any choice. But let me tell the gentleman from Illinois [Mr. HAYES], from what I understand from visiting New York City, the finest education program

they have is in Harlem, where as a matter of fact, it is choice that they use. They cut the dropouts from about 90 percent to 90 percent attendance.

That is the local school district that made that decision, and they have made all the difference in the world in the relationship to the education of those children and the future of those children and the future of this country.

Flexibility. Let me make it very clear when I talk flexibility, as I mentioned, all of those people that were called in to get all excited about it did not read the legislation. The legislation protects them every step of the way.

Let me tell the Members a little bit about flexibility. We have a bilingual education program. We have to write a handicapped education program, and we are dealing with the same children. We cannot write a program for both entities, because we must now keep all the separate bookwork, all the separate accounting and so on. We do not go in and look at whether the programs are good, bad or indifferent, we say, is the money going exactly as we say?

They need that kind of flexibility if we are going to improve their education. We do not need it for 300 schools, we need it for 83,000 schools.

New American schools is nothing new. New American schools is an operation all over this country. It is what the local community decides it is. Nothing is mandated by the Federal Government. It is what the local system says they must do in order to improve their school system.

I have one problem with their bill in relationship to standards and assessments. Mine is pretty much what the gentleman from Michigan [Mr. KILDEE] and I approved when it came out of the council. The one thing that I have a concern about is, it creates a Federal body that would set standards on how education should occur at the local level. I happen to think that is dangerous. I do not think we should be in that particular business.

Again, we have taken care of special needs students. No one can say that they fight any more for them than I do. On the Committee on the Budget the gentleman from Michigan [Mr. KILDEE] and I made sure that we got closer to that 40 percent that we promised a long time ago for special ed students. We sent them about 9 percent and we promised them 40 percent. We sent them all the mandates, yet we sent them very little money.

In the Committee on the Budget, when we served there, we insisted that over a 5-year time they get that 40 percent. If they did that, local school districts then could do many other things for the rest of their students they cannot do now because we mandated what they had to do and did not send them any money.

□ 1400

So again I would ask Members please, please look at my legislation, look at our legislation. Look at the bipartisan effort that went into this. Look at the effort put forth by Dr. Hartman, by Lynn Selmser, by Jo Marie St. Martin, by Jack Jennings, by Susan Wilhelm, by Jeff McFarland and June Harris, and then the whip-crackers who made them work, Pat Rissler and Gay Eagan. All of those people were involved in getting us to this point, and I ask Members to please, please let us encourage local districts to make some changes so that we get better education for all children, not just some, but all.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my deep admiration for the gentleman from Pennsylvania [Mr. GOODLING], which dates back from my arrival here in this body, make no less firm my opposition to certain elements to his substitute. Let me just briefly mention two of those areas.

One is in the area of flexibility. Mr. GOODLING and I have talked for a number of years on how to achieve greater flexibility because we do know that various programs serve the same child that walks in the front door of that school, and that rigidity has to be changed. But there are certain areas of his flexibility provision that I have some serious concerns about. I think they are a little too broad.

I think, first of all, if we are going to have flexibility it will require a bipartisan agreement so that we can both stand here on the floor and say this is good, and we can sell it to the various communities out there who have some concern about it, as the disability community does at this time.

I think the flexibility is too broad in the area of Head Start. They could waive, for example, health and safety requirements. If Members have any doubt about them waiving those requirements, just look at the child care bill. In the child care bill we felt sure we had health and safety protections, and they said for certain child care facilities health and safety protection were not even a consideration. Health and safety requirements could be waived in Head Start, and I am very concerned about that.

Parental involvement in chapter 1 could be waived. I am concerned about that.

Another area is the area of assessment. The Goodling substitute moves the Federal Government I believe just too rapidly down a road that has not been traveled before. I think we should travel that road very carefully and very cautiously. I think again that if we can come out here on assessment, in a bipartisan fashion, we can sell that to the various other people who are involved and watching this Congress.

Those two areas require a bipartisan agreement in committee, the area of flexibility and the area of assessment. We do not have that. For that reason, and because of some of the shortcomings in those two areas in this bill, I would oppose the substitute.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 267, not voting 27, as follows:

[Roll No. 384]

AYES—140

Allard	Gradison	Nussle
Allen	Grandy	Oxley
Applegate	Gunderson	Packard
Archer	Hall (TX)	Paxon
Baker	Hammerschmidt	Petri
Ballenger	Hancock	Porter
Barrett	Hansen	Pursell
Bateman	Hastert	Quillen
Bentley	Hefley	Ravenel
Bereuter	Henry	Regula
Bilirakis	Herger	Rhodes
Bliley	Hobson	Ridge
Boehner	Holloway	Riggs
Broomfield	Hopkins	Ritter
Bunning	Hunter	Roberts
Burton	Hutto	Rogers
Byron	Inhofe	Rohrabacher
Callahan	Ireland	Ros-Lehtinen
Camp	James	Roth
Campbell (CA)	Johnson (CT)	Santorum
Chandler	Kasich	Schaefer
Clinger	Klug	Schulze
Coble	Kolbe	Sensenbrenner
Coleman (MO)	Kyl	Shaw
Combest	Lagomarsino	Shuster
Coughlin	Leach	Skeen
Cox (CA)	Lent	Smith (OR)
Crane	Lewis (CA)	Smith (TX)
Dannemeyer	Lewis (FL)	Spence
DeLay	Lightfoot	Stearns
Dickinson	Lipinski	Stenholm
Doolittle	Livingston	Stump
Dornan (CA)	Lowery (CA)	Sundquist
Dreier	Marlenee	Taylor (NC)
Duncan	Martin	Thomas (CA)
Edwards (OK)	McCandless	Thomas (WY)
Emerson	McCrery	Upton
Ewing	McDade	Vander Jagt
Fawell	McEwen	Vucanovich
Fields	McGrath	Walsh
Franks (CT)	McMillan (NC)	Weldon
Gallegly	Meyers	Wolf
Gekas	Michel	Wylie
Gilchrest	Miller (OH)	Young (AK)
Gillmor	Miller (WA)	Zeliff
Goodling	Moorhead	Zimmer
Goss	Morrison	

NOES—267

Abercrombie	Beilenson	Browder
Alexander	Bennett	Brown
Anderson	Berman	Bruce
Andrews (ME)	Bevill	Bryant
Andrews (NJ)	Bilbray	Bustamante
Andrews (TX)	Blackwell	Cardin
Annunzio	Boehlert	Carper
Anthony	Bonior	Carr
Armey	Borski	Chapman
Aspin	Boucher	Clement
Atkins	Boxer	Coleman (TX)
AuCoin	Brewster	Collins (IL)
Bacchus	Brooks	Collins (MI)

Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ray
Reed
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—27

Ackerman
Barnard
Barton
Campbell (CO)
Clay
Cunningham
DeFazio
Dymally
Flake
Gaydos
Gingrich
Hatcher
Hoagland
Hyde
Markey
McCollum
Murtha
Myers
Richardson
Schroeder
Solomon
Staggers
Tanner
Towns
Traxler
Walker
Weber

□ 1424

The Clerk announced the following pairs:

On this vote:

Mr. McCollum for, with Mr. Hoagland against.

Mr. Barton for, with Mr. Lake against.

Messrs. PAYNE of Virginia, ARMEY, GALLO, and SHAYS changed their vote from "aye" to "no."

Mrs. MEYERS of Kansas changed her 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. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCNULTY] having assumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4323) to improve education for all students by restructuring the education system in the States, pursuant to House Resolution 551, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill, H.R. 4323, to the Committee on Education and Labor.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—279, noes 124, not voting 31, as follows:

[Roll No. 385]

AYES—279

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Rinaldo
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift

Synar	Valentine	Wheat
Tallon	Vento	Whitten
Tauzin	Visclosky	Williams
Taylor (MS)	Volkmer	Wilson
Thomas (GA)	Walsh	Wise
Thornton	Washington	Wolpe
Torres	Waters	Wyden
Torricelli	Waxman	Yates
Traficant	Weiss	Yatron
Unsoeld	Weldon	Young (FL)

NOES—124

Allard	Hammerschmidt	Oxley
Allen	Hancock	Packard
Archer	Hansen	Paxon
Armey	Hastert	Penny
Baker	Hefley	Porter
Ballenger	Henry	Pursell
Barrett	Herger	Quillen
Bateman	Hobson	Regula
Bereuter	Holloway	Rhodes
Bliley	Hopkins	Ridge
Boehner	Houghton	Riggs
Broomfield	Hunter	Ritter
Bunning	Inhofe	Roberts
Burton	James	Rohrabacher
Callahan	Johnson (CT)	Roth
Camp	Johnson (TX)	Roukema
Chandler	Kasich	Santorum
Clinger	Klug	Schaefer
Coble	Kolbe	Schulze
Coleman (MO)	Kyl	Sensenbrenner
Combest	Lagomarsino	Shays
Cox (CA)	Lent	Shuster
Crane	Lewis (CA)	Skeen
Dannemeyer	Lewis (FL)	Smith (OR)
DeLay	Lightfoot	Smith (TX)
Dickinson	Livingston	Spence
Doolittle	Lowery (CA)	Stearns
Dornan (CA)	Marlenee	Stenholm
Dreier	Martin	Stump
Edwards (OK)	McCandless	Sundquist
Emerson	McCrery	Taylor (NC)
Ewing	McDade	Thomas (CA)
Fawell	McEwen	Thomas (WY)
Fields	McGrath	Upton
Franks (CT)	McMillan (NC)	Vander Jagt
Gallegly	Michel	Vucanovich
Gekas	Miller (OH)	Wolf
Gillmor	Miller (WA)	Young (AK)
Goodling	Molinari	Zeliff
Goss	Moorhead	Zimmer
Gradison	Nichols	
Grandy	Nussle	

NOT VOTING—31

Ackerman	Gaydos	Richardson
Barnard	Gingrich	Solomon
Barton	Hatcher	Staggers
Campbell (CO)	Hoagland	Tanner
Clay	Hyde	Towns
Coughlin	Ireland	Traxler
Cunningham	Kennedy	Walker
DeFazio	Markey	Weber
Dymally	McCollum	Wylie
Fascell	Myers	
Flake	Olin	

□ 1445

The Clerk announced the following pairs:

On this vote:

Mr. Hoagland for, with Mr. Barton against.

Mr. Towns for, with Mr. McCollum against.

Mrs. JOHNSON of Connecticut changed her vote from "aye" to "no."

Mr. GALLO changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KILDEE. Mr. Speaker, pursuant to House Resolution 551, I call up from the Speaker's table the Senate bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KILDEE moves to strike all after the enacting clause of the Senate bill, S. 2, and insert in lieu thereof the provisions of H.R. 4323, as passed, as follows:

[The bill H.R. 4323, will appear in a subsequent issue of the RECORD.]

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to improve education for all students by restructuring the education system in the States."

A motion to reconsider was laid on the table.

A similar bill (H.R. 4323) was laid on the table.

MOTION OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. KILDEE moves to insist on the House amendment to the Senate bill, S. 2, and request a conference thereon.

The SPEAKER pro tempore. (Mr. MCNULTY). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE].

The motion was agreed to.

The SPEAKER pro tempore. The conferees will be appointed on the return of the Speaker to the rostrum.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4323, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that in engrossment of the bill, H.R. 4323, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the Senate bill, S. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 4323, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2607. An act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 and 1993, and for other purposes.

The message also announced that pursuant to Public Law 102-325, the Chair, on behalf of the majority leader, appoints Mr. LAUTENBERG from the Committee on Appropriations and Mr. PELL from the Committee on Labor and Human Resources, as members of the National Commission on the Cost of Higher Education.

□ 1450

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4706, CHILD SAFETY PROTECTION AND CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENT ACT

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-840) providing for the consideration of the bill (H.R. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, August 11, 1992, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2144, de novo, and House Joint Resolution 454, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CALIFORNIA TRIBAL STATUS ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2144, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to restore the Federal trust relationship of the United Auburn Indian Community, to establish the Advisory Council on California Indian Policy, and for other purposes."

A motion to reconsider was laid on the table.

ASSASSINATION MATERIALS DISCLOSURE RESOLUTION OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the joint resolution, House Joint Resolution 454, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 454, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill, S. 2, Neighborhood Schools Improvement Act: Messrs. FORD of Michigan, MILLER of California, KILDEE, WILLIAMS, MARTINEZ, OWENS of New York, HAYES of Illinois, PERKINS, and SAWYER, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. WASHINGTON, Mrs. MINK, Messrs. JEFFERSON, REED, ROEMER, OLVER, PASTOR, GOODLING, and PETRI, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. HENRY, Ms. MOLINARI, and Messrs. BOEHNER, KLUG, ARMEY, and CUNNINGHAM.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

AIRLINE COMPETITION ENHANCEMENT ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 541 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. 5466.

□ 1454

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. 5466) to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes, with Mr. SKAGGS 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 Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, the Committee on Public Works and Transportation brings to the Committee of the Whole what I consider to be one of the most important actions this body could take with respect to the continuity of competition among airlines in today's aviation market and that of the future. H.R. 5466, legislation to enhance and encourage and stabilize the marketplace for competition among air carriers, has as its central driving force a prohibition on an air carrier who opens a computer reservation system from discriminating against other air carriers which participate in that system and among travel agents who subscribe to the CRS system.

Mr. Chairman, I will deal with the essence of this legislation in a moment. I just want to mention several other items that are included in this legislation which are of very great importance.

First, the bill also provides protection for small community airline passengers by dealing with the availability of slots for essential air service at O'Hare International Airport; random testing for prohibited drugs, a rulemaking issued by the Secretary of Transportation to consider whether there should be a reduction in the annualized rate of random testing for prohibited drugs; to clarify certain provisions relating to passenger facility charges and frequent flier tickets; and cancellations and on-time performance by commuter air carriers, all of which are items of very great importance to the traveling public, but none which approach the significance of the computer reservation system.

In 1978 when the Congress acted to deregulate the economics of aviation, the legislation dealt with market entry and fares, removing the Federal Government from determination of which carriers shall serve which domestic markets and which fares they should charge.

The Government did not deregulate safety, it did not deregulate antitrust enforcement, and it did not deregulate consumer protection.

Mr. Chairman, the purpose of deregulation was to encourage competition, to broaden the opportunities for the traveling public to choose among carriers, for communities to be served in ways in the future that they had not been in the past. In the first few years after deregulation that concept worked; 22 new carriers entered the airline competition.

But within the next 5 years after deregulation, those 22 carriers had disappeared, the victims of bankruptcy, leveraged buyouts, mergers, and acquisitions. Today we have eight carriers of national significance, four of which are of major national and international significance. The Congress and the public watched as competition was gobbled up in the airline industry and the choices reduced to only a few.

□ 1500

In the last 2 years, we have seen other problems beset the airline industry, including the recession, the gulf war, an increase in jet fuel for airlines, and problems in the international arena resulting largely from security fears arising out of the gulf war.

From the time of the Wright brothers until the end of 1989, all the airlines in America lost only $1,800,000,000. But in the next 2 years, domestic airlines lost over $6 billion, a serious economic problem facing the airline industry.

And at the beginning of this year, and, in fact, at the beginning of this Congress, questions were asked by the traveling public, whether there is going to be any competition left among airlines in the domestic United States.

At a hearing we held in the Committee on Public Works and Transportation and in the Subcommittee on Aviation, the Secretary of Transportation testified that, yes, indeed, that we may see the reduction of competition to three. And then he amended it to say, maybe four carriers, not a very encouraging prospect for the future of air travel and for the future of airline economics.

We heard those warnings. We looked at the causes. We held extensive hearings on the subject of airline economics and what will keep competition alive in this country. And it boils down to one issue, computer reservation systems, the driving force in determining who competes, who makes money and who survives in this industry.

We would be judged harshly if we failed to act, knowing what we know, seeing what we have seen, observing the concentration of economic power in the airline industry down to two major carriers that dwarf the rest of the industry and two computer reservation systems that dominate in a way that no other powerful economic force has done in the airline industry.

When we can see the warning signs and know what needs to be done and have the time to act, we would be judged harshly if we did not act. And so we bring to Members today legislation to provide for equality of treatment in a marketplace of reserving fares, making bookings on airlines and for air travel.

Of the four computer reservation systems, two, Apollo and Sabre, command 70 percent of the market. They are able, through their market force and economic power, to impose virtually whatever terms they want on competing airlines and on the various travel agents who place most of the air travel business.

Fees are charged to participating airlines, along with the contracts with high liquidated damage clauses imposed upon travel agents.

When all of us in the next 24 hours board flights to go back to our districts, to go off to the Republican Convention in Houston, to go serve our constituencies, our tickets will reflect those costs. We are paying for those distortions in the marketplace.

In a study recently completed for Public Citizen by MIT professor of economics, Franklin Fisher, the professor stated that the cost to the air traveling consuming public is between $2 million to $3 million each day, the cost of CRS bias. Dr. Fisher added:

I suspect that many of us would think something was amiss if Macy's had to rely on Gimbel's not only to print and mail the Macy's Christmas catalogue, but also take orders for Macy's merchandise. But we're not far away from that when it comes to airline computer reservation systems.

We are paying for it every time we board airplanes.

The legislation before us will require those two powerful, big, dominant systems, Sabre and Apollo, to afford equal access and equal treatment on the screen to all airlines so that all travel agents will be able to place their bookings on an equal footing called equal functionality. It is a reasonable step to take. It is an action that we must take. It is action that this legislation provides in a reasonable fashion. It is an issue this subcommittee has been studying for 9 years under the leadership of my predecessor, the gentleman from California [Mr. MINETA].

We have heard one after another promise that the two dominant CRS systems would achieve equal functionality. We heard promises that the Department of Transportation would act. They have not acted.

We bring this legislation today only after nearly a decade of action or inquiry on our part and inaction by the airlines and the Department of Transportation.

Mr. Chairman, H.R. 5293 is supported by a broad-based coalition which includes airlines ranging in size from Alaska Airlines to Delta Airlines, the two major associations representing travel agents who use CRS, and major consumer groups.

This subcommittee has devoted the better part of the last 9 years to analysis of the CRS issue. In 1983, under the chairmanship of our colleague, NORM MINETA the subcommittee held landmark hearings and made recommendations which were instrumental in getting the Civil Aeronautics Board to adopt the first and, to date the only, regulations dealing with CRS issues. In 1987, we urged the Department of Transportation to conduct an in-depth study of whether CAB's regulations were sufficient to deal with CRS problems. The study, which was completed in 1988, clearly demonstrated that serious CRS problems had persisted and that further regulations were needed.

Following our hearings on the DOT study, the subcommittee began an effort, which has been continued over the past 4 years, to prod DOT to take the necessary regulatory action. The results have been extremely frustrating. Although the Department did issue a comprehensive notice of proposed rulemaking in 1991, a final rule is still not in place. Worse, the regulatory process has come to a complete standstill because of the administration's moratorium on new regulations. It is not clear when, if ever, final rules will be issued. As a consequence we have no alternative but to accomplish through legislation what DOT should have accomplished through rulemaking.

At the outset, it would be useful to address an issue which frequently comes up when we discuss CRS problems. People not familiar with CRS issues often ask me why I believe that CRS's should be subject to economic regulation, when I generally support airline deregulation, and its underlying premise that free competition will result in better service for the traveling public. Good question.

Two good answers. First, because of the structure and the nature of the CRS industry, competition simply doesn't work. This is not only my conclusion; it is the conclusion of the Civil Aeronautics Board, the Department of Transportation, the Department of Justice, and the General Accounting Office.

A prime example of why competition doesn't work: The case of the booking fees which CRS charge other airlines to participate in their CRS systems. The 1988 DOT study found that the booking fees which American and United charge other airlines to participate in their CRS are about double the average costs incurred by United and American to provide those services. DOT found that these booking fees produce returns on invested capital of 50 percent for United and 75 percent to 90 percent for American. The existence of these high fees, which the Department of Justice and the Department of Transportation have described as supra-competitive fees, is a sure sign that competition is not controlling booking fees.

Competition doesn't limit booking fees because there is no significant competition among CRS's to sign up airlines. Any airline which wants to compete successfully must be listed in every CRS. An airline which decided that it would not participate in one of the four CRS's would lose the opportunity to market its product through the substantial number of travel agents using that CRS. In these circumstances, airlines have no choice but to participate in every CRS and pay whatever booking fees each CRS charges. The result is high booking fees, which drain the financial resources of the airlines and produce substantial additional revenues for American and United to use in airline competition.

Another example: CRS bias, which encourages a travel agent to book on the airline owning the CRS system. Before the first CRS regulations in 1984, American and United listed their schedules first on their CRS screens, above the schedules of other airlines serving the same markets. This produced substantial additional bookings and revenues for American and United. Competition between different CRS systems did not prevent this so-called display bias. Although travel agents would prefer an unbiased display, they apparently did not have the bargaining power to force the CRS's to produce unbiased displays.

Since 1984 display bias has been outlawed. In its place, the CRS owners have turned to so-called architectural bias, that is, designing the CRS system to make it easier and more reliable for an agent to book on the airline owning the system. DOT has found that architectural bias produces additional airline revenues for American and United of $100 million to $200 million a year. Again, the competition between CRS systems for agents has not been successful in ending architectural bias.

A second reason to support CRS legislation: Apart from this bill's requirement of equal functionality, H.R. 5293 will encourage CRS competition and permit the free market to work. For example, CRS owners restrict competition by signing up travel agents for long-term contracts, with very high liquidated damages charged to any agent who tries to end a contract. These provisions have made it very difficult for other CRS systems to compete for the business of an agent who has already signed up for a particular CRS.

The CAB tried to overcome this problem by limiting CRS contracts to 5 years. American and United quickly responded by pushing agents to sign new 5 year contracts whenever they acquired new equipment. This meant that most agents' CRS contracts were never close to a termination date.

H.R. 5293 will overcome these problems by limiting CRS contracts to 3 years, prohibiting frequent renewals, and limiting liquidated damages. This type of regulation will be procompetitive and encourage greater competition between CRS owners to sign up agents. Many other provisions in H.R. 5293 will have similar effects.

In my judgment, circumscribing the monopoly in CRS is critical to ensuring adequate competition in the airline industry. If the present situation continues, the two largest airlines, United and American, will continue to use their monopolistic powers in the CRS industry to divert hundreds of millions of dollars

a year from their airline competitors. The diversions will come from high booking fees which other airlines must pay to participate in American's and United's CRS systems, and from the added airline revenues which American and United will get because it will be easier to make bookings on their CRS for their services. With these hundreds of millions of dollars of added revenues, American and United will continue to be able to purchase aircraft, buy international routes and slots, and withstand fare wars. Their competitors will be unable to take these steps. Conclusion: legislation regulating CRS practices is necessary if the smaller airlines are to survive against American and United.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 5466 and would encourage Members to lend their support as well.

This bill, as the gentleman from Minnesota, Chairman OBERSTAR, has indicated, represents a compromise and a genuine compromise, I think, that is going to help materially aid smaller, weaker air carriers, help them to maintain a competitive balance by ensuring that computer reservation systems in no way distinguish the display of their flights, seat availability, fares, from those of any other carrier, large or small, including the computer reservations owned wholly or in part by an air carrier. And this is where the problem has arisen, in the fact that the two major computer reservation systems are owned by two of our major carriers and the perception, at least, if not the reality, that this is giving those air carriers an enormous advantage, competitive advantage in dealing with the smaller airlines in the country.

I particularly want to thank my chairman, the gentleman from Minnesota, Chairman OBERSTAR, for his willingness to work with us, to work with the minority, some of the minority, to try to strike a balance in this competition bill.

It is no secret that I and others did not support earlier versions of this bill, chiefly because of provisions that would have required dehosting; that is to say, that the airline would have been mandated to separate its internal reservation system from its own computer reservation system. And that was going to work a real hardship on those airlines; namely, American and United, who would be required to separate their own reservation setup from their own system.

That is no longer a requirement in this bill. We really have come a long way in eliminating that. And it is because of the willingness in the spirit of compromise to eliminate the dehosting provision in the earlier bill and also a provision calling for arbitration and for the chairman's willingness to include other provisions, noted in a moment, that I would enthusiastically support H.R. 5466 and would encourage all Members to support it as well.

This bill will prohibit any form of architectural bias, no matter how subtle. Complaint and remedy procedures are provided for, which will give the Secretary authority to ensure that equal functionality is achieved.

This is something that the airlines and the two major players, American and United, have indicated is achievable; they are both working to achieve this and it will not represent a tremendous financial burden to them to accomplish equal functionality.

So that we will have, for the first time, a really level playing field with regard to the computer reservation system.

The bill also addresses several contract provisions held between travel agents and computer reservation systems, provisions which are strongly advocated by travel agent associations, who brought their concerns to us as part of our deliberation on this bill.

It would also address a number of other industry concerns that we have been made aware of. It directs the Secretary, for example, to initiate a rulemaking to consider whether or not there should be a reduction in the annualized rate of random drug testing. And this is something that we think should be given attention by the Secretary.

At the present, there is a 50-percent requirement. Even the Department itself has reduced that for their own employees, and we think similar consideration should be given to whether or not the airlines should be allowed to reduce the amount of random testing that goes on.

Second, the bill ensures the availability of slots; that is, the ability to land and take off at airports that have very high density for communities eligible to receive essential air service in those airports.

At the moment this provision will apply only to O'Hare Airport in Chicago.

□ 1510

Third, it clarifies that the FAA Administrator has discretion in ordering criminal history checks for air carrier employees. Presently there would be a requirement mandating all employees, all future and past employees, would have to be checked for criminal activity.

Finally, it would stipulate that the passenger facility charge which we authorized 2 years ago cannot be assessed against frequent flier tickets. In other words, if a person is using a frequent flier ticket, they would not have to pay a passenger facility charge if they are using, in effect, a free ticket.

It would also direct commuter air carriers to make the same on-time and cancellation reports now required of major air carriers, and it would also add a new requirement to be used for the department for enroute proceedings.

At the moment, under present standards, the department tends to favor the rich who get richer while the poor get poorer. The smaller airlines have in our view not had an equal opportunity to some of the foreign international routes that have come along.

I have to note that the administration does oppose this bill, but frankly, I do not have a lot of sympathy for that position, because we have been after them and they have indicated that they have been working on a rulemaking in this area for a long, long time, about 9 years at last count, and the rule is still not out. Hopefully maybe there will be a rule sometime. We have frankly gotten to the point where we can no longer wait for that to happen.

This bill is supported by a number of airlines; not all, obviously. This is really a question of the big airlines versus the smaller airlines, but it is supported by many airlines, by travel agents, by consumer groups. Supporters include Alaska Airlines, America West Airlines, Continental, Delta, Northwest, Trans World; also, the American Society of Travel Agents, the Aviation Consumer Action project, and the Consumer Federation of America.

Mr. Chairman, this bill does represent a compromise. I think it is a good compromise. I think it is a fair compromise. It will not work a hardship on the major owners of the computer reservations systems, but it will certainly give those that are not so fortunate as to have a major system an equal opportunity at getting aircraft bookings .

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I want to thank the committee chairman, and I want to thank the gentleman from Minnesota. I rise in opposition to this bill, H.R. 5466, the Airline Competition Enhancement Act of 1992. I do so very reluctantly because the chairman of the Aviation Subcommittee and I have a history of working together on many issues which have no doubt been of enormous benefit to the American people. On this issue, however, I cannot reach an agreement with the chairman because I do not believe that H.R. 5466 will be of benefit to even one member of the American traveling public. He may have the best intentions, but the distinguished gentleman and my friend from Minnesota is wrong about the CRS industry and wrong about this bill.

H.R. 5466 will not accomplish what its supporters claim. It will not increase competition in the airline industry. It will not provide assistance to

airlines operating in bankruptcy or hovering on a precarious financial edge. H.R. 5466 will not cause the poor business decisions of the last 14 years to disappear. It will not help the former employees of Eastern, PanAm, or Midway Airlines find new jobs. It will not even help Continental or TWA or America West to keep flying. This bill will do nothing to enhance competition in the airline industry, not today, not tomorrow, not ever.

This bill will undermine the foundation of existing contract law by abrogating over 20,000 existing contracts without providing compensation to the CRS vendors who negotiated in good faith. Why are we proposing legislation to undermine contracts that have been challenged, litigated, and found legally sound by the Supreme Court. Do we really want to take away the right of one party to sue another party for a breach of contract as H.R. 5466 proposes? To do so will stifle the American free enterprise system and devastate one of the last remaining industries in which America is considered to be the undisputed world leader.

This bill will reward the two smallest CRS owners by taking away market share from the two largest. This bill will insure that the two largest CRS owners, American and Covia, suffer financial hardship for their past sins, sins that consist of taking financial risk, developing innovative technology and applying old-fashioned American ingenuity. It is no surprise that the airlines with the most successful systems have invested billions of dollars of their own money.

H.R. 5466 will send a clear message to the business community: Do not try to succeed. Do not try to offer the best product or the best service. Most importantly, do not compete with your competitors.

For if you do, you run the risk of your competitors crying to Congress, and Congress, in its infinite wisdom, passing legislation like H.R. 5466. Legislation that may put you out of business. Legislation that will have an enormous negative impact on the American free enterprise system and the competitive spirit of this Nation.

If we want to really do something about enhancing competition in the airline industry why do we continue to avoid the real issues? We have to ask ourselves, "Is the airline industry heading in the direction that we want it to?" I submit to you that it is not.

Will H.R. 5466 do anything to help the industry? No; contrary to what its proponents claim, H.R. 5466 does nothing to help airlines compete more effectively. It cannot make up for the years of poor judgment, mismanaged profits, or leveraged buyouts. It will not prevent our shrinking industry from becoming even more consolidated and it will not prevent foreign governments from continuing to discriminate against American airlines. The airline industry lost over $6 billion in 1991 and there is not one shred of evidence that can directly link such a loss with the alleged misuse of computer reservations systems.

Point of fact, American Airlines owns the largest CRS in the world and still lost over $240 million in 1991.

If H.R. 5466 passes, do not go home to your constituents and tell them that you supported legislation to increase competition in the airline industry. Your constituents may turn around and ask you why it was necessary to close down the local travel agency. They may ask you why airfares continue to rise. They may ask you why so many people are out of work and so many airlines have stopped flying. They may even ask you why you voted for legislation that claims to enhance competition but really just puts greater profits into the pockets of two corporations, both of which are owned by airlines.

I urge my colleagues to vote "no"—to defeat this legislation.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the full committee.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to congratulate the chairman of the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR], and the ranking member, the gentleman from Pennsylvania [Mr. CLINGER], for bringing the Airline Competition Enhancement Act to the floor, as well as the gentleman from New Jersey [Mr. ROE], the chairman of the full committee.

Mr. Chairman, during the last few years, several airlines have disappeared. Some have gone bankrupt. Others have merged with stronger carriers.

As a result, there is growing concern that the airline industry is becoming too concentrated. Although recent fare wars demonstrate that the industry is still highly competitive, there is reason to be concerned about the future. If recent trends continue and the number of airlines is further reduced, then fares will go up and customer service will go down.

Therefore, we need a bill like the Airline Competition Enhancement Act. This bill does not reregulate the industry or bailout particular airlines. What it will do is level the playing field among airlines, improve customer service, and reduce airline costs.

The main provision in this bill deals with computer reservation systems. Studies by the General Accounting Office, Justice Department, and Transportation Department have all found that there is a problem with these systems. They found that subtle bias in the systems tend to steer passengers to the largest airlines, thereby increasing concentration and reducing competition in the airline industry.

Unfortunately, DOT has been slow to deal with this problem. It promised to issue a rule 2 years ago but has still not done so.

Therefore, it is necessary for us to act. This bill would address the problem by requiring that computer systems treat all airlines equally.

It should be pointed out that, as this legislation moved through the committee, it was significantly scaled back in order to accommodate the objections of the airlines who opposed it.

For example, the controversial no-host provision was eliminated. The potentially burdensome arbitration provision was also eliminated. So, it should be apparent that we have gone more than halfway to resolve the objections that were raised by some airlines against this legislation.

In addition, several provisions have been added to the bill that will help all airlines by reducing their costs and improving their chances for survival. These include limitations—on criminal background checks; on the rate of random drug testing; and on passenger facility charges.

There is another provision in this bill that is particularly noteworthy. That is the provision on commuter airline reporting. The requirement that the delays of major airlines be reported and published has done much to improve the on-time performance of these carriers. This bill would extend the reporting and publication requirement to cover the delays and cancellations of commuter carriers as well. That should help to improve the service of this important segment of the aviation system.

Mr. Chairman, for all these reasons, I support this bill. Chairman ROE and Chairman OBERSTAR, as well as the ranking subcommittee member Mr. CLINGER, deserve a lot of credit for working through all the complicated technical issues in this legislation and for bringing such a good bill to the floor today. I would urge my colleagues to support it.

Mr. CLINGER. Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. INHOFE], a distinguished member of the committee.

□ 1520

Mr. INHOFE. Mr. Chairman, I thank the gentleman for yielding me the time.

Like the gentleman from Illinois, I, too, am reluctant to stand up in opposition to a piece of legislation that is offered by the very honorable chairman of our subcommittee.

But today we are being asked to vote for a bill that proponents claim will enhance airline competition. The title of H.R. 5466, the Airline Competition Enhancement Act of 1992, like most legislation introduced around here, is misleading. This bill will not solve the problems of the airline industry, it will not enhance competition, and it will most assuredly not improve the computer reservation system business. What it will do is punish success, increase cost, and weaken U.S. competitiveness in the global market.

The problems of the U.S. airline industry have nothing to do with the successful development and marketing of two superior computer reservation sys-

tems; namely Sabre, owned by American Airlines, and Apollo, owned by COVIA partnership which is made up of United, USAir, British Airways, Swissair, Alitalia, KLM and Air Canada. Rather the airline industry problems are a direct result of a crumbling airway infrastructure, the propensity of airline executives in the 1980's to buy their competitors rather than compete with them, soaring costs of fuel and labor, health care expenses that are off the charts, increased barriers to doing business abroad, subsidized competition from abroad, and antiquated high density airport restrictions. Persons who argue that computer reservation systems are the villains of the industry are wrong.

Proponents will tell you that ownership of a computer reservation system by an air carrier gives the air carrier an unfair advantage. It does not. I wish every Member could have attended the demonstration forum of four competing computer reservation systems earlier this year. The Subcommittee on Aviation learned the real problem is that Sabre and Apollo are superior products and because new entrants are unable to provide as superior of service, Congress is being asked to penalize Sabre and COVIA so that competition can exist. Penalizing someone for being the best does not sound like competition to me, it sounds more like collusion.

Although we were able in committee to resolve several concerns, the bill is still objectionable. For one reason, it will void many existing contracts between travel agents and CRS vendors 6 months after enactment. It also removes a fundamental right of vendors to obtain liquidated damages in the event of a breach of contract. These two provisions are a radical departure from standard contracts and may be a first in terms of depriving business of basic property rights. I am not a lawyer, but I have been told that this could be unconstitutional because it denies due process.

To put it in simple terms:

A yes vote on H.R. 5466 tells American business, if you venture your capital by taking a calculated risk predicated on existing law and are successful, Government can come along and put you out of business.

A yes vote on H.R. 5466 will abrogate approximately 20,000 existing contacts freely entered into by individuals and businesses.

A yes vote on H.R. 5466 will tell investors that risk, hard work, and a superior product are not acceptable to the U.S. Congress because if you are too good you will be penalized.

When I was mayor of Tulsa, American Airlines made the decision to build and install the Sabre system in Tulsa. As a member of the airport authority, I sat in on a briefing American gave on the project. At that meeting we were told about a state-of-the-art computer reservation system that was clearly designed to be the best in the world. I must admit when I learned they expected to invest hundreds of millions of dollars for buildings, equipment, and personnel, I questioned the wisdom of the venture given the high risk involved. However, before leaving that meeting I was convinced that the Sabre system would be a success and complimented American for their courage and innovation.

In Oklahoma, innovation and creative investment are not unheard of. The term "stud horse notes" was originated in Oklahoma because when business and civic leaders wanted something for the community they would all put their names in a note. That is how the first bridge across the Arkansas River was built. At the time it was not only a tremendous investment but it was greeted by skeptics. Despite the naysayers it was built and it brought the oil fields closer to Tulsa which made us the oil capital of the world. Creative investment has also made Tulsa a world leader in aviation and aerospace.

And so the issue here today is fairness. If free enterprise in America is to survive, business must be able to count on the fact if they make a calculated risk, the rules will not change in the middle of the game. Today you are being asked to change the rules in the middle of the game for those businesses who were willing to take a risk in the late 1970's and invest to create a system that they believed would set the standard for travel services. They were right and now deserve the opportunity to reap the benefits of their calculated risk just as they would have had to accept the consequences if their high risk venture had not worked.

All I am asking of you today is to preserve the right of Americans to take risk and then benefit if they are successful by voting no on H.R. 5466.

Clearly, the issue is fairness.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in reluctant opposition to this legislation.

I would like to focus on just one aspect that I think for me has made it impossible to support this bill. I know that it is legally permissible in some circumstances, when public policy demands it, that legislation be able to abrogate existing contracts. But I think we see the application of that principle only in extremely rare circumstances.

By current rule, by regulation, computer reservation system contracts now cannot exceed 5 years in length, and there are certain other requirements that are in place that completely remove, by regulation, the bias among the competing computer reservation systems.

The legislation that the House is being asked to approve today will abrogate, that it make meaningless, almost 20,000 existing contracts. What public policy argument exists that we should tell business people in America that their ability to contract, to freely negotiate and enter into agreements involving hundreds of millions of dollars in going to be destroyed and abrogated by the U.S. Congress? I think we should do that only under extremely rare circumstances.

This bill will do that. For what reason? Because this bill, quite honestly, decides who the winners and losers in the CRS business are going to be. Those that have invested hundreds, in fact hundreds of millions, even billions of dollars, American Airlines and United to develop the leading edge technology in this business are going to be penalized.

I urge the Congress not to adopt this legislation. Do not destroy the ability to contract. Defeat this bill.

Mr. CLINGER. Mr. Chairman, may I inquire of the Chair how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 18 minutes remaining, and the gentleman from Minnesota [Mr. OBERSTAR] has 12½ minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield myself 2 minutes, and I do so to respond to the previous speaker with regard to the abrogation of contracts.

The bill would allow the abrogation of certain contracts between travel agents and the CRS owner, but only to the extent that the term of the contract is for more than 3 years. This means that contracts in their first or second year would remain in force until the end of their third year. Only those contracts that have gone beyond their third year would be abrogated.

In the second place, a legislative abrogation of a contract is not illegal or unconstitutional, as has perhaps been implied. Courts have repeatedly found laws which abrogated contracts to be proper and constitutional. In 1985, the Federal court in the District of Columbia found that the rules of the Civil Aeronautics Board that abrogated some computer reservation contracts were constitutional. So if legislation could not abrogate contracts, then people would get around the law by signing a contract before the law was enacted.

□ 1530

So the abrogation of some contracts, I would submit, is necessary in this case to ensure competition and give other computer system owners a chance to break into the field.

Currently, the big CRS owners use long-term contracts to lock up all the travel agencies. Under this bill the contract can be extended for the full 5 years, and I think importantly, if the

parties agree and if they, as has been suggested in our hearings, many travel agents would prefer the longer term, they are going to be perfectly able to have that, because if they both agree, the contract can be extended for the full 5 years.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in vigorous opposition to H.R. 5466, the Airline Reservation Competition Act. I oppose this legislation because it goes against one of the bulwarks of our free enterprise system, the liberty to contract. Every member of this distinguished body should be aware that this legislation impinges upon this right. H.R. 5466 would deny CRS vendors the full measure of their damages in cases of a breach and it would abrogate thousands of existing contracts.

To begin with this bill would forbid parties from agreeing in advance on the calculation of damages in the event of a breach of contract, even though courts have repeatedly approved such liquidated damage clauses in CRS contracts as fair and not anticompetitive. The Supreme Court, lower courts and legal scholars have all praised these clauses as a means for avoiding uncertainty, lengthy litigation, and costs to courts and parties. In the case of CRS contracts, such clauses assist travel agents by establishing beforehand exactly how much they would owe if they decide to breach their contracts. This allows an agent to make an intelligent. calculated decision when determining whether to break an existing agreement to enter into a more attractive agreement with another CRS vendor.

Second, the bill would void thousands of existing CRS contracts. H.R. 5466 prohibits contracts of more than 3 years, even though many travel agents prefer long-term contracts and CRS vendors offer agents a choice in term length. The so-called grandfather clause in H.R. 5466 would only apply to those instances where parties to a contract agree in writing that the contract will be enforceable. This would, in effect, abrogate virtually thousands of contracts.

Mr. Chairman, the American people are alarmed that 20 percent of the major airlines are now in chapter 11 bankruptcy. During 1990 and 1991, the local girl scouts chapter in Nashville made more money selling cookies than the major airlines made selling tickets. We should not be passing legislation at this time that will destroy the value of vested property rights and disrupt the little economic stability that still exists in the airline industry.

I urge my colleagues to oppose this ill-advised legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Chairman, there is a tremendous distinction between creating a level playing field and mandating a tie. Those are just the opposite.

We have airlines when in competition we decide to deregulate so the cream can rise to the top, and now we are looking at systems which are owned by those airlines that we want to mandate that they start all over again because apparently some of us did not like the score of the game. The point is that the competition resulted in two people excelling and others failing, and that is the point of having the competition.

It is more than just absurd to look at 10-year-old statistics at a time when perhaps computer systems contain some problems, not look at to date and look at both those who take reservations, those still in business, and we understand that, but we are sitting around for 2 hours this afternoon accomplishing absolutely nothing. And for what purpose? So that, once again, we can begin a playing field so that, once again, 10 years from now if two or three carriers or two or three entities come to the top, we are going to come back and remandate that we start over. I hope not.

The idea of perpetuating problems and a pointless bureaucracy and the addition of more and more burden to American business is why so many airlines have failed now.

Perhaps the management of too many of them resembled those who would want to pass this legislation. They are much more concerned with form than substance, in bottom line than initiative that profits in doing business.

So I oppose the legislation, and I hope that we can now get on with things that someone in America cares about and do things for companies that can, indeed, succeed if government can give them the impetus to do so and not worry about trying to level those who are neither competent nor ready in some superficial structure that will fail.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. MINETA], a very valued member of our committee.

Mr. MINETA. Mr. Chairman, I thank our very fine colleague, the gentleman from Pennsylvania, for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 5466, the Aviation Competition Enhancement Act of 1992.

I want to commend Aviation Subcommittee Chairman JIM OBERSTAR for his leadership on the important issue of aviation competition.

Mr. Chairman, I have long been concerned about unfair competition in the aviation industry regarding the use of computer reservation systems [CRS].

In 1983, I wrote the Civil Aeronautics Board [CAB] urging them to take immediate action to deal with the inequitable CRS practices in the industry. There was some limited response from the CAB on this problem. Unfortunately, the action by the CAB proved insufficient in addressing the CRS-related competition and fairness questions.

Over the last several years, there have been various studies, both Government and industry sponsored, as well as a Department of Transportation [DOT] notice of proposed rulemaking [NPRM], that have identified and outlined problems with the CRS issue.

I want to congratulate both the subcommittee chairman and the ranking Republican, for their leadership on H.R. 5466, the revised airline competition bill.

I am a cosponsor of this legislation which I believe makes considerable compromises; most notably, the deletion of the no-host and the arbitration provisions that were in the original legislation. These provisions raised the vociferous opposition that was expressed by specific members of the aviation CRS industry, and their deletion represents a formidable compromise.

Some of our House colleagues have raised concerns about the modification of CRS contracts. This argument is misguided. The courts have continually ruled that there is no impropriety in legislation or regulations limiting contracts, including existing contracts.

Mr. Chairman, in fact, the House has enacted legislation, as recently as last month, which affected existing contracts when we approved cable television regulatory legislation.

Mr. Chairman, the health of the Nation's commercial aviation industry is at stake. Competitiveness is the buzzword of the 1990's. However, buzzwords and catchy phrases are not going to promote adequate competition, safety, and capacity expansion in our Nation's civil aviation system.

H.R. 5466 will help us achieve these goals. They must be our priorities. I urge my colleagues to support this legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

(Mr. VALENTINE asked and was given permission to revise and extend his remarks.)

Mr. VALENTINE. Mr. Chairman, the American airline industry is hurting. I believe we can all agree on this fact. Opinions diverge, however, on the best approach for restoring economic viability to this essential industry.

In my view, H.R. 5466, the Airline Competition Enhancement Act of 1992, is not the answer to the problems being experienced by domestic air carriers. This legislation does not address any of the critical problems facing the airline industry today.

Computer reservation systems are both complex and constantly undergoing change. Technological enhancement is the lifeblood of the CRS industry and is the reason that the United States currently leads the world in this industry. The last thing that the Congress needs to do is pass legislation that will impair technological development in the CRS industry.

The Department of Transportation has agreed to address the CRS issue within the next few months. I believe the Congress should give DOT this opportunity.

During consideration of H.R. 5466 by the Aviation Subcommittee and the Public Works and Transportation Committee, a consensus was not reached on this legislation. Members of the committee expressed grave reservations about provisions in the bill that would void existing CRS contracts.

The Congress should not abrogate contractual rights absent the most compelling circumstances. The hearing record simply does not provide such a rationale.

Therefore, I oppose H.R. 5466.

□ 1540

Mr. RITTER. Mr. Chairman, I yield myself 1½ minutes to respond to the gentleman from Louisiana, who somehow suggested that the two major owners of the two major computer reservation systems were somehow being discriminated against and being deprived of the fact that they made this substantial investment and should be permitted to benefit from that investment; but there have been investigations by the Department of Justice, by the Department of Transportation and by the General Accounting Office. They have all concluded that far from being abused by the system, in fact the two major airlines that own these systems have been abusing the system themselves. They have concluded that all the computer reservation systems used by travel agents are controlled by the large airlines and that they have monopoly powers over those CRS's and are using those powers to undermine airline competitors. Unfair CRS practices have been a significant factor in the recent serious decline in airline competition.

So rather than being abused, I would suggest that they in fact have been anticompetitive in the way they have abused these systems in the past.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

I also rise in reluctant opposition to this bill. Out of great respect for the chairman of this committee who has dealt for many years with this issue, I reluctantly oppose him, however.

I hope that as Members listen to this debate, they look beyond the very compelling short title of the bill, the Airline Competition Enhancement Act, and look at the facts. Everyone supports increased competition in the airline industry, and there is agreement on many facets of this bill; but there is serious disagreement on the provisions dealing with CRS, or computer reservation systems contracts. So before we pass this legislation today, we should think very carefully about what we are doing and the precedent that we are setting.

From its very founding, our Nation incorporated English common law into our judicial system. A fundamental tenet of that common law is the concept of the sanctity of contracts. As a general rule, if one person freely enters into a contract with another, both parties will be bound by the terms of that contract. If one party fails to fulfill its obligations, the other party may go to court to seek compliance or damages. However, it is this standard that we would abolish today for this one industry if this legislation passes.

Historically, CRS vendors have tended to market their systems on a 5-year basis. This reflects the high cost of the computer hardware involved which must be amortized over the course of the lease. At one time the lease payments from travel agents represented about half the revenue received by these CRS vendors. The other half came from the relatively modest fees charged to airlines, hotels and rental car companies each time a service was sold on the system, commonly referred to as booking fees.

More recently however, the monthly fees charged to travel agents have declined rapidly. In fact, some of the larger travel agents pay no monthly fees at all and a few are actually paid by the CRS vendor to take their system. In these circumstances, the CRS vendor counts on the revenues from the booking fees.

In recent years, some of the CRS vendors, in an effort to get more business, have offered travel agents substantial sums to break existing contracts with one CRS vendor and sign up with their system. The legislation we are considering today makes us part of those efforts. Often when doing this, the new vendor has agreed to indemnify the travel agent for any damages that may be charged for the breach of that contract.

As a result of the efforts by CRS vendors to force travel agents to breach their contracts, there have been numerous law suits filed concerning damages. Almost without exception, the courts have upheld the damages clauses in these contracts or awarded actual damages that provide full compensation for the CRS vendors harmed by the breach. This bill would overrule those court decisions and create new rules for this one industry that do not apply to the rest of the business community.

Courts have long favored the concept of liquidated damages. they reduce litigation expenses and provide both parties with a clear understanding of their remedies.

This legislation would knock out the provisions in these contracts.

The proponents of the bill make much of the fact that the largest travel agent association supports this bill. Of course they do. It allows them to break contracts without any consequences. I understand this, but I do not think we should condone it by an act of Congress.

In fact, as if the damage provisions were not bad enough, the bill actually abolishes thousands of existing contracts within 6 months of the date of enactment. It takes these 5-year contracts, cuts them down to 3 years, destroying two-fifths of the property value here.

In this legislation, Congress would destroy a very valuable property right without justification and without compensation. This is an unjustified taking with clear constitutional implications.

Let me address the two primary arguments for this bill. The first is the argument that many lobbying for this bill, namely that CRS systems that have lost out in the competition over the last 10 years, they say the systems are biased. They say there is architectural bias.

Because of the efforts of Chairman OBERSTAR and others on this committee, this issue has been decided. There is no argument on that any longer. The architectural bias is being worked out of every system in operation today. This is not an issue in the legislation in front of us.

If a lobbyist has told you or your staff that CRS systems give preference to their owners in displaying information, they are mistaken. This practice was disallowed in 1984 and there have been no cases brought forward at the DOT or anywhere else that makes this contention.

Mr. Chairman, I urge my colleagues to vote against this bill. It is bad business. It is bad for airline competition and it frustrates the efforts of those who have invested billions of dollars in making ours the most competitive industry in the world.

Mr. BUSTAMANTE. Mr. Chairman, I rise in opposition to H.R. 5466. The White House recently decided to lift the regulatory moratorium so the Department of Transportation can expeditiously issue a final rule governing computer reservation.

DOT has said it may issue a final rule as early as next month. This decision is a direct result of efforts by members of the Aviation Subcommittee, and I commend my colleagues on their good work.

Now that Congress has done its job by making certain the executive branch does its job, we should let the agency with the expertise in this matter do its job. Congress does not have the technical expertise to be legislat-

ing solutions to the complex issues associated with the computer reservation industry. DOT does and has been crafting policies and solutions to these issues through the rulemaking process.

It would be wasteful and imprudent to ignore all the work that has gone into the rulemaking now that the process nears its end. Congress has done good work in this matter, and we should leave well enough alone and let DOT get on with its job.

Mr. EWING. Mr. Chairman, I rise in reluctant support of H.R. 5466, the Airline Competition Enhancement Act of 1992. This bill corrects inequities which currently exist in the Essential Air Service Program by opening up 24 additional slots at O'Hare International Airport for small communities in Illinois, Indiana, and Iowa.

Danville, IL, is a town in my district which, like many other small communities, lost guaranteed air service to O'Hare Airport and was instead guaranteed service into Midway Airport. For a struggling town like Danville, flights into Midway Airport are much less desirable because of the lack of connecting flights. Access to O'Hare is essential to make Danville more attractive to business and industry and I am very glad to see that this legislation takes steps to correct this problem.

At the same time, however, what this legislation gives in one area, it takes away in another. I am referring to the provisions in this bill dealing with computer reservation systems. Under the guise of enhancing competition and leveling the playing field, H.R. 5466 would infringe on private property rights by voiding thousands of existing CRS contracts and would unnecessarily intrude in an intraindustry battle.

H.R. 5466 would limit the length of a contract between a CRS vendor and a travel agent to 3 years. Existing 5-year contracts would be grandfathered only if both parties agreed in writing that the contract should continue. This provision would destroy existing contract rights and goes against all notions of fairness. Furthermore, by allowing travel agents to breach a 5-year contract before its natural end, the bill would deny CRS vendors the ability to collect damages under the contract.

Congress has the ability to impair private contracts only when an important public interest is at stake. This bill, however, serves no important public interest and instead simply rewards certain airlines who failed to take the risks and develop computer reservation systems. Over a decade ago, two airlines spent the time, money, and resources to develop such systems and now that they are profitable, the rest of the industry is beginning to complain about the unfair advantages of owning a CRS system. This bill punishes these two airlines for showing initiative and rewards the rest of the industry for failing to succeed in the business themselves.

I voted both in the Aviation Subcommittee and full Public Works and Transportation Committee for provisions which would make the contract provisions of this bill more fair. Unfortunately, these efforts were defeated and now we are left voting for a bill which accomplishes both bad and good. I will vote for H.R. 5466, Mr. Chairman, but would urge that the CRS provisions of this bill be removed so that we can pass a bill which is truly concerned with enhancing competition.

Mr. LEWIS of Florida, Mr. Chairman, I rise in strong opposition to H.R. 5466, the so-called Airline Competition Act.

As many of my colleagues have suggested, this bill should actually be called the Airline Re-Regulation, Punishment of Efficiency, and Unconstitutional Takings Act.

I am afraid some of my colleagues have a different view of competition than I do. I believe free market competition should reward good judgment—and punish bad.

Unfortunately, the sponsors of this bill think the opposite. They think those who benefit from wise choices should be punished, and those who make poor choices deserve a legislative remedy.

This legislation amounts to no more than an obvious money grab by those who did not share in the risk and cost of the development of computer reservation systems.

One need not look further than the fact that their competitors did not say a word during the years that the reservation systems were requiring huge capital investments and losing money. They only come to us now.

While claiming it to be a matter of principle, even the most ardent supporters of this bill do not pretend that this bill would be on the floor if these systems were still losing money.

Another interesting aspect of this bill is the warped logic in the committee report. Their entire rationale for this bill is built on the fact that regulation is needed because competition is lacking.

However, to buttress their arguments that regulation is needed to inspire competition, they cite a DOT finding that there has been no new entry into the CRS market since it was first regulated in 1984.

If you can follow it, their logic goes like this: We need regulation to foster competition, since competition has been lacking since we regulated.

In addition, arguments that this legislation is only a response to the lack of rulemaking on the part of DOT also ring hollow.

A reasonable amendment was offered in committee which would have allowed enactment of this bill only if DOT did not issue regulations by September 30. This amendment was narrowly defeated.

Clearly, if intent was to legislate only in the absence of rulemaking, they would have supported this amendment. That did not happen.

Finally, there is a real constitutional question here as to legislative takings of private property. By abrogating these contracts and prohibiting redress, we are taking property without just compensation.

Mr. Chairman, if this bill is truly intended to do what is claimed, it is unworkable and unconstitutional. If not, it should not be on the floor. In either case, it should be defeated.

Mr. CHANDLER. Mr. Chairman, I rise today to express my strong support for the Airline Competitiveness Enhancement Act, H.R. 5466. Leveling the playing field for all airline carriers is the intent of this critical piece of legislation.

Consumers have benefited as a result of airline deregulation. Lower ticket prices are one of the real benefits of a competitive airline market. Smaller domestic carriers such as Alaska Airlines have grown, creating more jobs and improving passenger service.

But today, the airline industry is volatile. Changing levels of passenger traffic and a sluggish economy have weakened the financial health of several U.S. airlines and resulted in the bankruptcy of others.

That is why enactment of the Airline Competitiveness Enhancement Act is critical before we begin to reregulate. It is our job in Congress to ensure that the system remain fair and competitive while protecting the public interest.

Mr. Chairman, I would urge my colleagues to recognize the rhetoric of the opponents of this bill for what it is—anticompetitive and protectionist. Competition is healthy and it benefits us all. A vote for this bill is a vote for competition, consumer choice, and a stronger U.S. economy. Vote yes on H.R. 5466, the Airline Competitiveness Enhancement Act.

Mr. BEREUTER. Mr. Chairman, this Member expresses his tentative support for H.R. 5466, the Airline Competitiveness Enhancement Act.

Although this legislation contains some very positive features and takes necessary steps toward improving airline competition which will benefit air travelers, it does so in a heavy-handed regulatory manner. Nevertheless, this Member believes that the measure should be advanced to allow for the refinement of the regulatory features which could result from action either in the other body or in conference. If such improvements are not made, this Member may well vote against the conference report.

This Member also expresses his desire that by advancing this bill, the House will send a strong signal to the Federal Aviation Administration that some further regulation of the computer reservation systems is necessary to protect the air-traveling public. Clearly, some changes must be made to promote competitiveness in the airline industry by changes in the reservation system or environment that now prevails.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 5466

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 "Airline Competition Enhancement Act of 1992".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the remainder of the Committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of the remainder of the Committee amendment in the nature of a substitute is as follows:

vendor, in the operation of its computer reservation system, may—

"(A)(i) make available to subscribers an integrated display in which information is ordered or emphasized based upon factors relating to air carrier identity; or

"(ii) supply information from its computer reservations system to any person creating or attempting to create such an integrated display if the vendor knows or has reason to know that such person intends to create or attempt to create such an integrated display; except that the prohibition contained in this clause shall not apply to the extent that the vendor is supplying the information to a subscriber creating, in accordance with the conditions of the exception contained in subsection (c)(1), an integrated display using information from the system;

"(B) make available, after September 30, 1994, to a subscriber any subscriber transaction capability which is more functional, timely, complete, accurate, reliable, secure, or efficient, is easier for the subscriber to use or access, or provides to the subscriber a different level of confirmation of transactions, with respect to one participant than with respect to any other participant; except to the extent that the vendor is offering the other participant the opportunity to participate in such capability at the same price and terms as other participants and the participant has not accepted such offer;

"(C) make available, after September 30, 1994, to a participant any participant transaction capability which is more functional, timely, complete, accurate, reliable, secure, or efficient with respect to one participant than with respect to any other participant; except to the extent that the vendor is offering the other participant the opportunity to participate in such capability at the same price and terms as other participants and the participant has not accepted such offer;

"(D) charge any separate participant fee for, or require compliance with any terms or conditions relating to, the provision of any computer reservation system feature, function, or service which the vendor offers as a separate option to the participant for the purpose of complying with the requirements of this subsection, unless such fee, terms, or conditions are reasonable; or

"(E) directly or indirectly prohibit a subscriber from obtaining or using any other computer reservation system.

"(3) PROHIBITION AGAINST INDUCING DISCRIMINATION.—No vendor or air carrier shall require, or provide any incentives to induce, any subscriber to use information from a computer reservation system to create an integrated display in which information is ordered or emphasized based upon factors relating to air carrier identity.

"(4) USE OF THIRD-PARTY HARDWARE, SOFTWARE, AND DATA BASES.—

"(A) IN GENERAL.—Except on grounds of demonstrated technological incompatibility, no vendor may prohibit or unreasonably restrict, directly or indirectly—

"(i) the interconnection to its computer reservation system equipment of computer hardware or software supplied by a person other than such vendor; or

"(ii) the use by a subscriber, to access directly any other computer reservation system or data base, of hardware and communications lines supplied by any other vendor.

"(B) SPECIFIED PROHIBITIONS.—The practices prohibited by subparagraph (A) include, but are not limited to, the following:

"(i) The imposition of fees in excess of reasonable levels to certify or interconnect third-party equipment or to use equipment supplied by any other vendor to access any other computer reservation system or data base.

"(ii) Undue delays or redundant or unnecessary testing before certifying or interconnecting such equipment or access.

"(iii) The imposition of requirements that subscribers use the vendor's computer reservation system for any minimum number or percentage of the subscriber's bookings.

"(iv) Refusals to provide any services, compensation, or other benefits normally provided subscribers on account of the subscriber's using third-party equipment or the subscriber's using the same equipment for access to both the vendor's computer reservations system and other computer reservation systems and data bases.

"(v) The termination of a subscriber contract because of the subscriber's use of third-party equipment or the use of the same equipment for access to the vendor's computer reservations system and any other computer reservation systems or data bases.

"(5) EXTENSION OF CONTRACT AS CONDITION TO PROVIDING ADDITIONAL SYSTEM COMPONENTS.—No vendor may require, as a condition for providing to a subscriber additional computer reservation system components (including software and enhancements), that the term of the subscriber contract for previously provided system components be extended.

"(6) USE OF SYSTEM IN SALE OF AIR TRANSPORTATION SERVICES.—No vendor may require use of its computer reservation system by the subscriber in any sale by the subscriber of air transportation services of the vendor.

"(7) USE OF SYSTEM AS CONDITION TO COMPENSATION FOR SALE OF SERVICES.—No vendor may require that a subscriber use or subscribe to its computer reservation system as a condition to the receipt of any compensation for the sale of air transportation services by the subscriber.

"(8) CONDITIONAL PRICES.—No vendor may charge prices to subscribers conditioned in whole or in part on the identity of air carriers whose air transportation services are sold by the subscriber.

"(b) SUBSCRIBER CONTRACT RESTRAINTS.—

"(1) TERM OF CONTRACT.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), no subscriber contract provision shall be enforceable in law or equity after the 180th day following the date of the enactment of this section to the extent that such provision provides for the term of the contract to be more than 3 years.

"(B) GRANDFATHER OF CERTAIN EXISTING CONTRACTS.—This paragraph shall not apply to a contract—

"(i) which is in effect on the date of the enactment of this section,

"(ii) which is for a term of not more than 5 years, and

"(iii) with respect to which all parties to the contract have agreed, in writing, after such date of enactment and before the 180th day following such date of enactment, that the contract will be enforceable, subject to other paragraphs of this subsection, until the last day of its term.

"(2) OTHER PROVISIONS.—No subscriber contract provision shall be enforceable in law or equity to the extent that such provision—

"(A) forms a basis for a claim of actual or liquidated damages by the vendor in the event of cancellation of the contract, except as follows:

"(i) damages related to the vendor's actual cost of removing its equipment from the subscriber's premises;

"(ii) the unamortized share of the vendor's actual cost of installing such equipment in the subscriber's premises exclusive of any element of capital investment in such equipment; and

"(iii) other amounts owed to the vendor by the subscriber during the unexpired term of the contract, but in no event including amounts which are in the nature of a penalty for cancellation or which otherwise become due upon cancellation;

"(B) extends, or provides for the extension of, the contract beyond its stated date of termination, whether because of the addition or deletion of equipment or because of some other event;

"(C) provides an expiration date later than the earliest expiration date of any other contract for computer reservations services or equipment between the same subscriber and vendor;

"(D) directly or indirectly requires that the subscriber use the vendor's computer reservations system for a minimum volume of transactions, whether measured as an absolute number, a percentage of total transactions of any kind, or otherwise (including making failure to comply with such a requirement a breach or violation of the contract or a ground for termination of the contract); and

"(E) directly or indirectly requires the subscriber to use a minimum number or ratio of system components based upon or related to the number of system components leased from another vendor (including making failure to comply with such a requirement a breach or violation of the contract or a ground for termination of the contract).

"(c) PROHIBITION OF SUBSCRIBER MODIFICATION OF INFORMATION.—No subscriber may use computer software or hardware to modify information in a computer reservation system or derived from a computer reservation system in such a way as to produce—

"(1) integrated displays of such information in which information is ordered or emphasized based on factors relating to air carrier identity, except that the subscriber may use the software or hardware to create such displays of air transportation services—

"(A) if, before such use, the displays have been requested by a customer of the subscriber in writing;

"(B) if the request is kept on file by the subscriber until there has been a period of at least 2 years in which the customer has not purchased any services from the subscriber; and

"(C) if the software or hardware is used only with respect to such customer; or

"(2) displays of such information which provide subscriber transaction capability which violates subsection (a)(2)(B) or participant transaction capability which violates subsection (a)(2)(C).

"(d) REPORTING.—

"(1) QUARTERLY REPORTS.—Not later than the last day of the 1st calendar quarter following the date of the enactment of this section and of each calendar quarter following such 1st calendar quarter and ending on or before December 31, 1994, each vendor shall submit to the Secretary a report describing the manner in which the vendor proposes to achieve and is achieving compliance with subsections (a)(2)(A), (a)(2)(B), (a)(2)(C), and (a)(2)(D).

"(2) REPORT OF SECRETARY.—On or before July 31, 1993, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, based on the reports filed by vendors pursuant to paragraph (1) of this subsection—

"(A) which describes the progress which each vendor has made in achieving compliance with subsections (a)(2)(A), (a)(2)(B), (a)(2)(C), and (a)(2)(D);

"(B) which compares and contrasts the participant transaction capabilities and subscriber transaction capabilities, including the protocols of each vendor with each participant; and

"(C) which includes a tentative finding by the Secretary as to whether each vendor is making satisfactory progress toward, and is likely to achieve, compliance with each of such subsections in accordance with any time limit contained in such subsection.

The Secretary shall provide each vendor a copy of the report transmitted under this paragraph within 30 days after the date of such transmittal.

"(3) SUPPLEMENTAL VENDOR REPORT.—If the report transmitted under paragraph (2) includes a finding of the Secretary that a vendor is not making satisfactory progress toward, or is not likely to achieve, compliance with subsection (a)(2)(A), (a)(2)(B), (a)(2)(C), or (a)(2)(D) in accordance with any time limit contained in such subsection, the Secretary shall require the vendor to submit to the Secretary a supplemental report describing the manner in which the vendor proposes to achieve compliance with such subsection.

"(4) MAINTENANCE OF RECORDS.—Not later than 90 days after the date of the enactment of this section, the Secretary shall issue regulations requiring each vendor to maintain such information concerning its computer reservation system as the Secretary determines is necessary to enable the Secretary to determine whether or not the vendor is making progress toward achieving compliance, or is in compliance, with this section. Such regulations shall establish the form and substance of the information to be maintained.

"(e) MONITORING OF PARTICIPANT FEES.—Not later than March 31, 1993, and each March 31 thereafter, the Secretary shall transmit, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the participant fees charged by vendors during the preceding calendar year, including whether such fees represent an increase or decrease over the fees charged previously and whether, in the opinion of the Secretary, such fees are reasonable.

"(f) SPECIAL RULES FOR CERTAIN VIOLATIONS.—

"(1) APPLICABILITY.—The procedures and time limits set forth in this subsection shall apply to any complaint filed with the Secretary alleging a violation of this section (including any regulation issued to carry out this section or otherwise relating to computer reservation systems).

"(2) DEADLINE FOR DECISION WITH RESPECT TO A COMPLAINT.—Not later than the 90th day following the date of the filing of a complaint to which this subsection applies, the Secretary shall issue—

"(A) on the basis of the information filed with respect to the complaint and any other information available to the Secretary, an order which determines that there is not a material issue of fact with respect to the complaint and—

"(i) which finds that the violation has not occurred and dismisses the complaint; or

"(ii) which finds, after compliance with the procedures of section 1002(c) of this Act, that the violation has occurred and sets out the remedies and penalties that the Secretary determines are appropriate for the violation and the information forming the basis for such finding;

"(B) a consent order which sets out the remedies and penalties which the Secretary determines are appropriate and to which the alleged violator has agreed; or

"(C) for a determination of whether or not the violation has occurred and appropriate remedies and penalties for the violation if the violation has occurred, an order instituting a proceeding which includes an oral hearing on the record before an administrative law judge in accordance with section 554 of title 5, United States Code.

"(3) PARTIES TO AN ALJ PROCEEDING.—If the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, both the Department of Transportation and the person filing the complaint shall be parties to the proceeding if they so elect, and the administrative law judge may designate additional parties to the proceeding.

"(4) POWER OF ALJ TO COMPEL PRODUCTION OF DOCUMENTS.—An administrative law judge to whom a complaint under this subsection is assigned may compel the production of documents and other information necessary to determine whether the violation has or has not occurred.

"(5) DEADLINE FOR ALJ DECISION.—Not later than the 270th day following the date on which the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, the judge shall issue an order—

"(A) which finds that no violation has occurred and dismisses the complaint; or

"(B) which finds that a violation has occurred and sets out the remedies and penalties that the administrative law judge determines are appropriate for such violation.

"(6) DEADLINE FOR FINAL ORDER.—Not later than the 90th day following the date of issuance an order by an administrative law judge under this subsection, the Secretary shall issue a final order with respect to the complaint. If the Secretary does not issue the final order by the last day of such 90-day period, the order of the administrative law judge shall be deemed to be a final order of the Secretary.

"(g) TREATMENT OF CERTAIN REDUCED CRS SERVICES.—If any computer reservation system service being provided to a participant in such system for a participant fee is reduced without a corresponding reduction in the participant fee, the participant fee shall be treated, for purposes of this section, as being increased by the vendor.

"(h) REGULATIONS.—

"(1) GENERAL AUTHORITY.—The Secretary may issue regulations to carry out the objectives of this section and such other regulations relating to computer reservation systems as the Secretary determines appropriate. Such regulations shall not be inconsistent with the provisions of this section.

"(2) ENFORCEABILITY.—The enforceability of this section shall not be affected by any delay or failure of the Secretary to issue regulations to carry out the objectives of this section.

"(i) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) COMPUTER RESERVATIONS SYSTEM.—The term 'computer reservations system' means—

"(A) a computer system which is offered to subscribers for use in the United States and contains information on the schedules, fares, rules, or seat availability of 2 or more separately identified air carriers and provides subscribers with the ability to make reservations and to issue tickets; and

"(B) a computer system which was subject to the provisions of part 255 of title 14 of the Code of Federal Regulations (relating to computer reservation systems) on June 1, 1991.

"(2) COMPUTER SYSTEM.—The term 'computer system' means a unit of one or more computers, and associated software, peripherals, terminals, and means of information transfer, capable of performing information processing and transfer functions.

"(3) INTERNAL RESERVATION SYSTEM.—The term 'internal reservation system' means a computer system which contains information on airline schedules, fares, rules, or seat availability and is used by an air carrier to respond to inquiries made directly to the carrier by members of the public concerning such information and to make reservations arising from such inquiries.

"(4) INTEGRATED DISPLAY.—The term 'integrated display' means a computerized display of information which relates to air carrier schedules, fares, rules, or availability and is designed to include information pertaining to more than 1 separately identified air carrier. Such term excludes the display of data from the internal reservations system of an individual air carrier when provided in response to a request by a ticket agent relating to a specific transaction.

"(5) PARTICIPANT.—The term 'participant', as used with respect to a computer reservations system, means an air carrier which has its flight schedules, fares, or seat availability displayed through such system.

"(6) PARTICIPANT FEE.—The term 'participant fee' means any fee, charge, penalty, or thing of value contractually required to be furnished to a vendor by a participant for display of the flight schedules, fares, or seat availability of the participant through the computer reservation system of the vendor or for other computer reservation system services provided to the participant.

"(7) PARTICIPANT TRANSACTION CAPABILITY.—The term 'participant transaction capability' means a service, product, function, or facility with respect to any computer reservation system which is provided by a vendor to any participant and which is capable of benefiting the air transportation business of such participant, including the quality, reliability, and security of communications provided by the vendor linking such vendor's computer reservation system to the computer system or data bases of any participant, the loading into the system of information on schedules, fares, rules, or seat availability, the booking or assignment of seats, the issuance of tickets or boarding passes, the retrieval of data from the system, or a means of determining the timeliness with which a participant will receive payment for air transportation sold through the system.

"(8) PROTOCOL.—The term 'protocol' means a set of rules or formats which govern the information transfer between and among computer reservation systems, participants, and subscribers.

"(9) SUBSCRIBER.—The term 'subscriber' means a ticket agent which uses a computer reservation system in the sale and issuance of tickets for air transportation.

"(10) SUBSCRIBER CONTRACT.—The term 'subscriber contract' means an agreement, and any amendment thereto, between a ticket agent and a vendor for the furnishing of computer reservations services to such subscriber.

"(11) SUBSCRIBER TRANSACTION CAPABILITY.—The term 'subscriber transaction capability' means any capability offered through a computer reservation system to a subscriber with respect to air transportation, including the capability of a ticket agent through a computer reservations system to view information on airline schedules, fares, rules, and seat availability or to book space, assign seats, or issue tickets or boarding passes for air transportation to be provided by air carriers.

"(12) VENDOR.—The term 'vendor' means any person who owns, controls, or operates a computer reservations system.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title IV of such Act the following:

"Sec. 420. Computer reservations systems.

"(a) Prohibitions against vendor discrimination.

"(b) Subscriber contract restraints.

"(c) Prohibition of subscriber modification of information.

"(d) Reporting.

"(e) Monitoring of participant fees.

"(f) Special rules for certain nonfee violations.

"(g) Treatment of certain reduced CRS services.

"(h) Definitions.".

SEC. 3. PROTECTION OF SMALL COMMUNITY AIRLINE PASSENGERS.

(a) ACCESS TO HIGH DENSITY AIRPORTS.—Section 419(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1389(b)) is amended by adding at the end the following new paragraph:

"(10) ACCESS TO HIGH DENSITY AIRPORTS.—

"(A) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not give consideration to whether slots at a high density airport are available for providing such service.

"(B) MAKING SLOTS AVAILABLE.—If basic essential air service is to be provided to and from a high density airport, the Secretary shall ensure that a sufficient number of slots at such airport are available to the air carrier providing or selected to provide such service. If necessary to carry out the objectives of this subsection, the Secretary shall take such action as may be necessary to have such slots transferred or otherwise made available to the air carrier; except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service to and from such airport is at least 132 slots.".

(b) TRANSFERS OF SLOTS AT HIGH DENSITY AIRPORTS.—Section 419(b)(7) of such Act (49 U.S.C. App. 1389(b)(7)) is amended—

(1) by striking "TRANSFER OF OPERATIONAL AUTHORITY AT CERTAIN" and inserting "TRANSFERS OF SLOTS AT";

(2) by striking "an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft" and inserting "a high density airport";

(3) by striking "operational authority" and inserting "slots";

(4) by striking "has to conduct a landing or takeoff" and inserting "have"; and

(5) by striking "such authority" the first place it appears and inserting "such slots";

(6) by striking "such authority is" and inserting "such slots are"; and

(7) by inserting "basic essential" after "used to provide".

(c) DEFINITIONS.—Section 419(k) of such Act (49 U.S.C. App. 1389(k)) is amended by adding at the end the following new paragraphs:

"(6) HIGH DENSITY AIRPORT.—The term 'high density airport' means an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft.

"(7) SLOT.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.".

SEC. 4. LIMITATION ON STATUTORY CONSTRUCTION WITH RESPECT TO EMPLOYMENT INVESTIGATIONS.

(a) IN GENERAL.—Section 316 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) is amended—

(1) by redesignating the second subsection (g), relating to air carrier and airport security personnel, and subsections (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (l), respectively; and

(2) in subsection (h)(1), as so redesignated, by adding at the end thereof the following new subparagraph:

"(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the section shall require the Administrator to issue regulations requiring that employment investigations under this section include criminal history record checks if the Administrator determines that such record checks are not necessary to ensure air transportation security.".

(b) CONFORMING AMENDMENTS TO TABLE OF CONTENTS.—The portion of the table of contents contained in the first section of such Act under the side heading

"Sec. 316. Air transportation security.".

is amended—

(1) by redesignating items (g), (h), (i), (j), and (k) as items (h), (i), (j), (k), and (l), respectively; and

(2) by inserting after the item relating to subsection (f) the following:

"(g) Airport tenants security programs.".

SEC. 5. RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to consider whether there should be a reduction in the annualized rate of random testing for prohibited drugs now required by the Secretary for personnel engaged in aviation activities. A final decision in such rulemaking proceeding shall be issued not later than 1 year after such date of enactment.

SEC. 6. CLARIFICATION OF PFC APPLICABILITY.

Section 1113(e)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(1)) is amended by adding at the end thereof the following new sentence: "This subsection does not authorize the Secretary to grant a public agency authority to impose a fee for a passenger enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment.".

SEC. 7. CANCELLATIONS AND ON-TIME PERFORMANCE BY COMMUTER AIR CARRIERS.

(a) AMENDMENT OF REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall amend part 234 of title 14 of the Code of Federal Regulations to require commuter air carriers to comply with the provisions governing on-time performance in such part.

(b) REPORTS.—Not later than the 30th day following the last day of each calendar month beginning after the 120th day following the date of the enactment of this Act, the Secretary of Transportation shall publish a report containing the percentage of flights of each commuter air carrier which were canceled during such calendar month.

(c) DEFINITION.—In this section, the term "commuter air carrier" means an air carrier (as defined by section 101 of the Federal Aviation Act of 1958) that provides air service in accordance with a published schedule and that primarily operates aircraft designed to have a maximum passenger seating capacity of 60 seats or less.

SEC. 8. DECLARATION OF POLICY.

(a) STRENGTHENING OF COMPETITION.—Section 102 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1302) is amended by adding at the end the following new subsection:

"(c) STRENGTHENING OF COMPETITION.—In selecting an air carrier to provide foreign air transportation from among competing applicants to provide such transportation, the Secretary shall consider the strengthening of competition among air carriers operating in the United States in order to prevent undue concentration in the air carrier industry, in addition to considering the factors specified in subsections (a) and (b) of this section.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 102 is amended by adding at the end the following new item:

"(c) Strengthening of competition.".

□ 1550

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of the bill, add the following new section:

SEC. 9. LOVE FIELD, TEXAS.

Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 48–49) is repealed.

Mr. OBERSTAR. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. OBERSTAR] reserves a point of order on the amendment, and the gentleman from Kansas [Mr. GLICKMAN] may proceed up to 5 minutes.

Mr. GLICKMAN. Mr. Chairman, this is a perennial visit for me. It is my obsession while I am in Congress to try to repeal something called the Wright amendment. I see my colleague, the gentleman from California [Mr. MINETA] kind of smiling at me because he knows I have had an interest in this for some time.

I am aware that the gentleman from Minnesota has reserved a point of order and will probably offer one.

This is a bill that affects airline competition. This is a bill that deals with the computer reservation system. It also deals with systems involving slots of high-density airports, and I thought this would be an appropriate bill to offer my amendment to repeal something called the Wright amendment, which is named after our former Speaker, Jim Wright.

Let me just briefly give my colleagues a little bit of the history. In 1979, at the request of former Speaker Jim Wright, the law was changed to restrict operations at one airport in this country. That airport was called Dallas Love Field. The reason for that is that the Dallas-Fort Worth Airport had just been built. It cost a lot of money, and the folks in the area, particularly the Fort Worth, TX area, did not want Dallas Love Field, which was near downtown Dallas, to operate. After all, a lot of bonds had been issued to build Dallas-Fort Worth. So the law restricted Love Field. Actually I believe folks thought that Love Field would close, but it did not.

But here is what the law said: It said that to use Dallas Love Field you could only fly out of there to points within the State of Texas, intrastate, and the four contiguous States to Texas, Louisiana, Arkansas, Oklahoma, and New Mexico. It is the only airport in America that a person is restricted to, based upon his or her geographical location, from flying in and out of the airport.

This was done basically, hoping that the Dallas-Fort Worth Airport would survive and Dallas Love Field would fall apart. Little did they know that a little carrier out of Dallas called Southwest Airlines would come into existence. They serve a lot of places in this country. They are the only really genuine low-cost airline in America.

They do a splendid job. They headquartered at Love Field, and they began to fly intrastate. They also began to fly in the four contiguous States, and lo and behold, they are successful. Every place they flew, fares were brought down, not only by them but by their competitors like American and Delta. They would fly from the same places, usually from the other airport. American and Delta were flying from the Dallas-Fort Worth Airport. But wherever there were competing carriers flying competing service into the Dallas market with Southwest, fares were brought down.

Now, here is the problem. My community of Wichita, KS, is located 50 miles from the Oklahoma border. Under Federal law, Wichita cannot be served out of Dallas Love Field because we are not in a State contiguous to Texas. Imagine a law that would do that. I think the law is unconstitutional on its face, and it is in the process of being challenged right now.

So what happens is that if you live in a town like Albuquerque, which is in a contiguous State to Texas, which is about 600 miles from Dallas, your fares are about a third of what they are to Dallas from Wichita. They are about one-third as much, and the distance is about two times as great. The reason for that is because Dallas Love Field has Southwest Airlines, has service that is protect under Federal statute, and the folks in that part of the country, the folks in north Texas, just like it the way it is. They do not want to make any changes.

So my amendment would repeal this blatantly discriminatory amendment which strikes a dagger at the heart of genuine aviation competition in this country.

I have explained this many times. My full statement in the RECORD will explain it further. To repeal this would mean lower cost air service to Wichita, to Phoenix, to St. Louis, to Chicago. It would mean a bonanza in terms of consumers in this country.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to my colleagues, the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I thank the gentleman very much for yielding, and I certainly support him in his efforts to repeal this piece of Federal law which never should have gone into law to begin with. My reasons are parallel to the gentleman's, but there is one other reason. The gentleman mentioned the start of a little airline called Southwest. At about the same time there was the start of a little airline in Phoenix called America West, and America West and Southwest serve pretty much the same markets. But because America West cannot utilize the facilities of Love Field and because Southwest is protected by this piece of Federal legislation that the gentleman has referred to, and because basically Love Field is its little playground and nobody else is there, America West is unable to compete effectively in terms of price with Southwest on their parallel routes.

The name of this legislation is the Airline Competitiveness Enhancement Act, and certainly if we are talking about enhancing competitiveness in the airline industry, one of the very first things we ought to be doing is looking at situations such as the one the gentleman has described at Love Field, protected by Federal law, where one airline is given a clear competitive advantage over another one in markets that they jointly serve. There is certainly no doubt that the fact that America West, which finds itself working its way out of chapter 11 bankruptcy would be enhanced directly if it were able to compete directly with Southwest Airlines. Certainly there is no doubt they were put into this financial situation because of this anticompetitive provision.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 1 additional minute.)

Mr. GLICKMAN. Mr. Chairman, I will not talk much longer on this matter. I would just make this point; I am not going to belabor the issue. There may have been some reason for this amendment originally. I do not think there was, but I have a biased view of this. But after 12 years, imagine this: We are engaging in a game of protecting one airline and one or two carriers, and in the meantime the airfares of people all over this country are much higher than they need to be because of this blatantly discriminatory piece of legislation.

It may be that I will not get this amendment adopted because of a point of order being raised against it, but if I do not, I want to tell everybody that I am going to try it on every bill I can think of. We are going to be a lot more creative in the future in terms of the types of legislation we are going to offer this amendment to, and I say to the folks who are interested in it that they ought to know I am going to dog them on this issue until I get it resolved.

POINT OF ORDER

Mr. OBERSTAR. Mr. Chairman, I insist on my point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. OBERSTAR. Mr. Chairman, I make the point of order that the amendment is not germane and violates clause 7 of rule XVI of the House.

The amendment deals with air carrier certificates to provide air transportation at Love Field, TX. The bill does not deal with air carrier certificates. The bill deals with economic regulation in the context of the Federal Aviation Act only. This proposed amendment deals with economic regulation in an entirely different context by amending the International Air Transportation Competition Act of 1979.

The CHAIRMAN pro tempore. Does the gentleman from Kansas [Mr. GLICKMAN] wish to be heard on the point of order?

Mr. GLICKMAN. Yes, Mr. Chairman, if possible, I would like to be heard on the point of order.

This is a bill called the Airline Competition Enhancement Act of 1992. This is a bill dealing with airline competition issues, dealing not only with the computer reservation system but amending several provisions of the Federal Aviation Act of 1958 involving slots at major airports, rulemaking on random testing for prohibited drugs, cancellation and on-time performance by commuter air carriers, and a new declaration of policy called strengthening of competition which provides that in selecting an air carrier to provide foreign air transportation from among competing applicants, the Secretary shall consider the strengthening of competition. And it goes on and talks about these particular areas.

If there is any bill that deals with the underlying issue of competition at airports and among airlines, this is the bill. The bill relates directly to competition under the basic statute, which is the Airline Competition Enhancement Act.

I realize I did not draft this as an amendment to the 1958 Federal Aviation Act, but the net effect is the same. This bill relates to the competition at a single airport in this country and to air fares generally in America.

So, Mr. Chairman, I would argue that the point of order should be overruled.

The CHAIRMAN pro tempore (Mr. HALL of Ohio). Does the gentleman from Arizona [Mr. RHODES] wish to be heard on the point of order?

Mr. RHODES. I do, Mr. Chairman.

Mr. Chairman, the provisions of this bill deal with access to a limited number of airports by a limited number of air carriers. The Glickman amendment deals with access to a specific airport by again a limited number of air carriers. There are specific provisions in the bill that deal with access to airports. The Glickman amendment deals with access to airports.

Mr. Chairman, the Glickman amendment should be ruled to be germane and in order.

□ 1600

The CHAIRMAN pro tempore. Is there any other Member that desires to be heard on the point of order of the gentleman from Kansas [Mr. GLICKMAN]?

If not, the Chair is prepared to rule.

The gentleman from Minnesota [Mr. OBERSTAR] makes the point of order that the amendment offered by the gentleman from Kansas [Mr. GLICKMAN] is not germane to the bill.

The bill addresses competition in and economic regulation of aviation in the context of the Federal Aviation Act of 1958. In proposing changes to existing law the bill confines itself to amendments to that act.

The amendment offered by the gentleman from Kansas [Mr. GLICKMAN] proposes to repeal certain route restrictions in the International Air Transportation Competition Act of 1979, but not amended by the spending bill.

As such, the amendment is not germane. The point of order is sustained.

Are there any further amendments to the bill?

If not, 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. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. MONTGOMERY) having assumed the chair, Mr. HALL of Ohio, 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. 5466) to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes, pursuant to House Resolution 541, 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 amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 230, nays 160, not voting 44, as follows:

[Roll No. 386]

YEAS—230

Abercrombie	Hall (OH)	Owens (NY)
Alexander	Hamilton	Owens (UT)
Anderson	Hammerschmidt	Pallone
Andrews (ME)	Hansen	Pastor
Andrews (TX)	Henry	Payne (NJ)
Applegate	Hertel	Pease
Archer	Hobson	Pelosi
Aspin	Horn	Penny
Atkins	Horton	Perkins
Bacchus	Hoyer	Peterson (FL)
Bateman	Hubbard	Peterson (MN)
Beilenson	Huckaby	Petri
Bennett	Hughes	Pickett
Bentley	Hunter	Pursell
Bereuter	Hutto	Rahall
Berman	Jacobs	Ramstad
Blackwell	Jefferson	Rangel
Boehlert	Johnson (CT)	Ray
Bonior	Johnson (SD)	Reed
Borski	Jones (GA)	Rhodes
Boucher	Jones (NC)	Ridge
Brooks	Jontz	Riggs
Brown	Kanjorski	Rinaldo
Bruce	Kaptur	Ritter
Bunning	Kasich	Roberts
Camp	Kennedy	Roe
Cardin	Kildee	Roemer
Carper	Kleczka	Roukema
Carr	Kolter	Rowland
Chandler	Kopetski	Russo
Clinger	Kostmayer	Sabo
Coleman (MO)	Kyl	Sanders
Collins (MI)	LaFalce	Santorum
Conyers	Lantos	Savage
Coughlin	Laughlin	Sawyer
Coyne	Levin (MI)	Scheuer
Cramer	Levine (CA)	Schulze
Darden	Lewis (GA)	Schumer
de la Garza	Lloyd	Serrano
DeLauro	Long	Sharp
DeLay	Lowey (NY)	Shaw
Dellums	Luken	Shays
Derrick	Machtley	Shuster
Dickinson	Manton	Sikorski
Dicks	Martin	Skaggs
Dingell	Martinez	Skelton
Dixon	Matsui	Slattery
Donnelly	Mazzoli	Slaughter
Dooley	McCloskey	Smith (NJ)
Dorgan (ND)	McDade	Smith (TX)
Downey	McEwen	Snowe
Early	McGrath	Solarz
Eckart	McHugh	Spratt
Edwards (CA)	McMillen (MD)	Stark
Emerson	Meyers	Stokes
Engel	Mfume	Studds
Espy	Mineta	Swift
Evans	Mink	Tallon
Ewing	Moakley	Taylor (NC)
Fazio	Molinari	Thomas (GA)
Feighan	Mollohan	Traficant
Fields	Moody	Upton
Foglietta	Moran	Vander Jagt
Ford (MI)	Morella	Volkmer
Ford (TN)	Mrazek	Vucanovich
Frank (MA)	Murphy	Waters
Gejdenson	Nagle	Waxman
Gekas	Neal (MA)	Weiss
Gephardt	Nichols	Weldon
Gibbons	Nowak	Wheat
Gilchrest	Nussle	Whitten
Gillmor	Oakar	Williams
Gilman	Oberstar	Wise
Glickman	Obey	Wolpe
Goodling	Olver	Wyden
Guarini	Ortiz	Young (FL)
Gunderson	Orton	

NAYS—160

Allard	Barrett	Browder
Allen	Bevill	Bryant
Andrews (NJ)	Bilbray	Burton
Annunzio	Bilirakis	Bustamante
Anthony	Bliley	Byron
Armey	Boehner	Callahan
Baker	Brewster	Campbell (CA)
Ballenger	Broomfield	Clement
Coble	Inhofe	Price
Coleman (TX)	James	Quillen
Collins (IL)	Johnson (TX)	Ravenel
Combest	Johnston	Regula
Condit	Kennelly	Rogers
Cooper	Klug	Rohrabacher
Costello	Kolbe	Ros-Lehtinen
Cox (CA)	Lagomarsino	Rose
Cox (IL)	Lancaster	Rostenkowski
Crane	LaRocco	Roth
Dannemeyer	Leach	Sangmeister
Davis	Lehman (FL)	Sarpalius
Doolittle	Lent	Saxton
Dornan (CA)	Lewis (CA)	Schaefer
Dreier	Lewis (FL)	Schiff
Duncan	Lightfoot	Schroeder
Durbin	Lipinski	Sensenbrenner
Edwards (OK)	Livingston	Sisisky
Edwards (TX)	Lowery (CA)	Skeen
English	Marlenee	Smith (FL)
Erdreich	Mavroules	Smith (OR)
Fascell	McCandless	Spence
Fawell	McCrery	Stallings
Fish	McCurdy	Stearns
Franks (CT)	McDermott	Stump
Frost	McMillan (NC)	Sundquist
Gallegly	McNulty	Swett
Geren	Michel	Synar
Gonzalez	Miller (OH)	Tauzin
Gordon	Miller (WA)	Taylor (MS)
Goss	Montgomery	Thomas (CA)
Gradison	Moorhead	Thomas (WY)
Grandy	Morrison	Thornton
Green	Myers	Torres
Hall (TX)	Natcher	Unsoeld
Hancock	Neal (NC)	Valentine
Harris	Oxley	Visclosky
Hastert	Packard	Walsh
Hayes (IL)	Panetta	Washington
Hayes (LA)	Parker	Wolf
Hefley	Patterson	Wylie
Hefner	Paxon	Young (AK)
Herger	Payne (VA)	Zeliff
Hochbrueckner	Pickle	Zimmer
Holloway	Porter	
Hopkins	Poshard	

NOT VOTING—44

Ackerman	Gingrich	Smith (IA)
AuCoin	Hatcher	Solomon
Barnard	Hoagland	Staggers
Barton	Houghton	Stenholm
Boxer	Hyde	Tanner
Campbell (CO)	Ireland	Torricelli
Chapman	Jenkins	Towns
Clay	Lehman (CA)	Traxler
Cunningham	Markey	Vento
DeFazio	McCollum	Walker
Dwyer	Miller (CA)	Weber
Dymally	Murtha	Wilson
Flake	Olin	Yates
Gallo	Richardson	Yatron
Gaydos	Roybal	

□ 1625

The Clerk announced the following pairs:

On this vote:

Mr. Hoagland for, with Mr. Chapman against.

Mr. Gingrich for, with Mr. Barton of Texas against.

Messrs. BILBRAY, ROSTENKOWSKI, and ZELIFF changed their vote from "yea" to "nay."

Mr. HUNTER, Mr. CRAMER, Mrs. MEYERS of Kansas, and Mr. KOSTMAYER changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RUSSO. Mr. Speaker, on rollcall No. 386 I voted "aye." I intended to vote "no."

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered and passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMENTS IN APPRECIATION OF MEMBERS AND STAFF FOR EFFORTS ON H.R. 5466

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Mr. Speaker, I take this minute to express my appreciation to my colleagues on both sides of the aisle and on both sides of this issue for the high quality of the debate that unfolded in the discussion of this legislation. It was straightforward; Members expressed very firmly held views, and it was a high-quality debate.

I especially want to thank the gentleman from Illinois [Mr. LIPINSKI], and the gentleman from Texas [Mr. GEREN] for the high policy level on which they kept this debate. I particularly want to express my appreciation to the gentleman from Pennsylvania [Mr. CLINGER] for his splendid support and hard work throughout the elaboration of this legislation which has unfolded over many, many months. We came to a very, very fine conclusion.

Finally, Mr. Speaker, while all of our staff worked diligently and most professionably on this legislation, I want to single out and express my very deep appreciation to David Heymsfeld, of the staff of the Subcommittee on Aviation of the Committee on Public Works and Transportation. No one contributed more than David to the formulation of this monumental and highly complex legislation; to him I am deeply grateful.

□ 1630

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time that I may inquire of the distinguished majority leader how he intends to proceed for the balance of this legislative day before we embark upon our summer recess, and I am happy to yield to him for that purpose.

Mr. GEPHARDT. I thank the gentleman for yielding. It is our intention that a motion be made in a moment to go to conference on the Comprehensive National Energy Policy Act with a motion to instruct conferees, so we will know very quickly whether or not there will be a vote on that. I doubt there will be, but there may be.

After that, there will be no other votes this evening. We do not expect votes. If Members need a concrete, iron-clad, no-holds-barred assurance that there would never be a vote, I cannot give that. But I do not expect to vote after the possibility of a vote on the motion to instruct and to go to conference on the energy authorization.

Mr. MICHEL. Might I inquire then of the distinguished majority leader when Members will be advised of a tentative schedule, if it is no more than that, for when we return after Labor Day?

Mr. GEPHARDT. We will be prepared to announce the schedule for the week that we come back after we have finished tonight's business, in another hour or so.

Mr. MICHEL. I thank the distinguished majority leader.

APPOINTMENT OF CONFEREES ON H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 776) to provide for an improved energy efficiency, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. LENT

Mr. LENT. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LENT moves that the Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate Amendment to the House bill, H.R. 776, be instructed to balance both energy conservation and energy efficiency with energy supply, achieve this goal in a manner consistent with environmental protection, and use market mechanisms and incentives rather than command-and-control regulations and government subsidies, within the scope of the conference.

The SPEAKER. The gentleman from New York [Mr. LENT] is recognized for 30 minutes.

Mr. LENT. Mr. Speaker, I understand that House conferees for H.R. 776, the Comprehensive National Energy Policy Act, will be appointed shortly. I am grateful that we are appointing House conferees today.

It has taken us a long time to get to this point in the process of enacting a comprehensive national energy policy. I, along with my fellow Republican Members of the energy and commerce committee, started us down this path shortly after Iraq invaded Kuwait in 1990.

We introduced our Comprehensive Energy Policy Act then. The President then took the lead by sending to Congress the National Energy Strategy Act which was introduced in March 1991. After much effort by the leadership of the energy committees in both bodies, we are today finally taking this important step to start the conference on the bill.

My motion to instruct should assist conferees in their efforts to fashion a bill that the House and the President will find acceptable. The motion instructs the conferees to: First, balance both conservation and energy efficiency with energy supply; second, achieve this goal in a manner consistent with environmental protection; and third, use market mechanisms and incentives rather than command-and-control regulations and government subsidies. The President has stated that he will only sign a bill that is balanced in this manner. The instructions in my motion will help ensure that result.

Accordingly, I strongly urge my colleagues to support my motion.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Indiana, chairman of the Subcommittee on Energy and Power.

Mr. SHARP. Mr. Speaker, we have no objection to the gentleman's motion. We have tried to work within these parameters as we built this legislation to begin with.

Mr. LENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. LENT].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees and reserves the right to appoint additional conferees or to make changes in the conference appointments:

From the Committee on Energy and Commerce, for consideration of the House bill (except title XIX), and the Senate amendment (except title XX), and modifications committed to conference: Messrs. DINGELL, SHARP, MARKEY, TAUZIN, TOWNS, SWIFT, SYNAR, LENT, MOORHEAD, AND DANNEMEYER; Provided, that Mr. BLILEY is appointed only for consideration of titles I, VII, XII, XVII, and XXXI of the House bill, and titles V, VI and XV of the Senate amendment;

Mr. FIELDS is appointed only for consideration of titles III, IV, V, XIV, XVIII, and XX of the House bill, and titles IV and XVI of the Senate amendment.

Mr. OXLEY is appointed only for consideration of titles II, VI, VIII, IX, X, XI, XIII, XV, XVI, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, and XXX of the House bill, and titles I, II, VIII, IX, X, XI, XII, XIII, XIV, XVII, XVIII, XIX, and XXI of the Senate amendment; and in lieu of Mr.

LENT for title VII of the House bill and title XV of the Senate Amendment.

From the Committee on Ways and Means, for consideration of title XIX of the House bill, and section 19108 and title XX of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, VANDER JAGT, AND CRANE.

As additional conferees from the Committee on Ways and Means, for that portion of section 1101 of the House bill which adds new section 1701 and 1702 to the Atomic Energy Act of 1974), and that portion of section 10103 of the Senate amendment which adds new sections 1701 and 1702 to the Atomic Energy Act of 1954, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, JACOBS, FORD of Tennessee, ARCHER, VANDER JAGT, CRANE, and SCHULZE.

As additional conferees from the Committee on Education and Labor, for consideration of section 20141, 20142, 20143 (except those portions which add new sections 9702(a)(4), 9704, 9705(a)(4), 9706, 9712(d)(5) to the Internal Revenue Code of 1986) of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, CLAY, MILLER, of California, KILDEE, and WILLIAMS, Mrs. ROUKEMA, Mr. FAWELL, and Mr. BALLENGER.

As additional conferees from the Committee on Education and Labor, for consideration of those portions of section 901 which add new sections 1305 and 1312 to the Atomic Energy Act of 1954, that portion of section 1101 which adds a new section 1704 to the Atomic Energy Act of 1954, and sections 4402, 6601–04, 10104, 13119, and 19113 of the Senate amendment, and modifications committed the conference: Messrs. FORD of Michigan, WILLIAMS, and GOODLING.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 1205, 1208, 1213–14, 1302–05, 1606, and 2481 of the House bill, and sections 5101–04, that portion of section 5201 which adds a new section 6 to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, 14108–09, and 14301–02, of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, WOLPE, LEVINE of California, FEIGHAN, JOHNSTON of Florida, ENGEL, BROOMFIELD, ROTH, MILLER of Washington, and HOUGHTON.

As additional conferees from the Committee on Foreign Affairs, for consideration of section 903, 1205, 1208, 1211, 1213–14, 1302–05, 1607, 2481, and 2704, of the House bill, and sections 1201, 6701–02, 10223(b), 13102, 17101–02, 19101, and 19109 of the Senate amendment,and modifications committed to conference: Messrs. FASCELL, GEJDENSON, and BROOMFIELD.

As additional conferees from the Committees on Government Operations, for consideration of sections 121 (e) and (f), 122, 127 and 128 of the House bill, and sections 6207, 6216, 6218, and 6220–21 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BUSTAMANTE, and CLINGER.

As additional conferees from the Committee on Government Operations, for consideration of sections 302 and 304–06 of the House bill, and sections 4102, 4105–06, 4112–13, 4116, and 4119 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, WISE, and MCCANDLESS.

As additional conferees from the Committee on Interior and Insular Affairs, for consideration of sections 133, 1314, 1403, 1607, 3002, 3004, 3009, 3101, 3102, and 3104 and titles VIII–XI and XXIV–XXIX of the House bill, and sections 5302–04, 5308, 6303, 6501, 6506, 13115, 13118, 13120–21, 14114, 19104, and 19110, 19112 and titles VIII, IX, X, XII, and XVIII of the Senate amendment, and modifications committed to conference: Messrs. MILLER of California, RAHALL, VENTO, KOSTMAYER, DE LUGO, GEJDENSON, DEFAZIO, YOUNG of Alaska, and MARLENEE, Mrs. VUCANOVICH, and Mr. RHODES; Provided, Mr. MURPHY is appointed in lieu of Mr. DEFAZIO for consideration of title XXV of the House bill and section 14114 of the Senate amendment only.

Mr. ABERCROMBIE is appointed in lieu of Mr. DEFAZIO for consideration of section 2481 of the House bill only.

As additional conferees from the Committee on Interior and Insular Affairs, for consideration of that portion of section 723(h) which adds a new section 212(h) to the Federal Power Act, 1312–13, 1403, 1607, 2012, 2113, 2307, and 3008 of the House bill, and sections 6501, 6506, 19104, 19110, and 20143(b) and titles VIII and XXI of the Senate amendment, and modifications committed to conference: Messrs. MILLER of California, RAHALL, and YOUNG of Alaska.

As additional conferees from the Committee on the Judiciary, for consideration of section 3010 of the House bill, and section 19102 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, GLICKMAN, FEIGHAN, STAGGERS, BERMAN, WASHINGTON, FISH, HYDE, CAMPBELL of California, and SMITH of Texas.

As additional conferees from the Committee on the Judiciary, for consideration of sections 11107 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, and FISH.

As additional conferees from the Committee on the Judiciary, for consideration of section 19106 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, FRANK of Massachusetts, and GEKAS.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of section 1607, and title XXIV of the House bill, and title XII of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, HUGHES, HUTTO, HERTEL, TALLON, LANCASTER, DAVIS, FIELDS, BATEMAN, and INHOFE.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 205, 1602, of the House bill, and sections 5204, 5302, 5304, and 11103 and title XXI of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, STUDDS, and DAVIS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 121–28, 132, 411, 2453, 2461–64, 2705, 3102, and 3104 and title XVIII of the House bill, and sections 4120, 4401, 5303, 5308, 6101, 6201–24, 6304, and 10224 of the Senate amendment, and modifications committed to conference: Messrs. ROE, MINETA, NOWAK, APPLEGATE, DE LUGO, SAVAGE, BORSKI, HAMMERSCHMIDT, SHUSTER, PETRI, and INHOFE.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 164(h), that portion of section 723 which adds a new section 212(i) to the Federal Power Act, 410, and 1316 of the House bill, and sections 12103, 12204, and 14113 of the Senate amendment, and modifications committed to conference: Messrs. ROE, MINETA, and HAMMERSCHMIDT.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 901–02, 1203, 1207, 1301, 1306–09, 1318–19, 2471, 2502–03, 2513, 3005, 3007, 3009 and titles VI and XX–XXIII of the House bill, and sections 4201–18, 4305, 4401, 5201–02, 5204–06, 6104, 6501 and titles II, VIII, X, XIII and XIV of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mrs. LLOYD, and Messrs. SCHEUER, WOLPE, STALLINGS, ROEMER, SWETT, WALKER, RITTER, MORRISON, and FAWELL.

EXPEDITING CONSTRUCTION OF HIGHWAY PROJECTS WHICH PROVIDE ADDITIONAL QUALITY JOBS

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 5830) to expedite construction of highway projects which provide additional quality jobs, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield

to the gentleman from California [Mr. MINETA], a distinguished member of the subcommittee, for an explanation of his request.

Mr. MINETA. Mr. Speaker, I thank the gentleman from Arkansas for yielding.

Mr. Speaker, on July 28, 1992, the House passed S. 2641, and on August 6, the President signed it into law as Public Law 102-334.

That law provides for the restoration of $369 million in obligation authority to the States.

This bill, which we are bringing up with a sense of urgency because of the state of the economy, would direct the Secretary of Transportation, the States and metropolitan planning organizations to expedite, to the maximum extent practicable, use of the $369 million for projects which will be under construction by October 30, 1992.

The underlying purposes of this bill are twofold: First, to increase the number of quality jobs for construction and improvement of transportation facilities and secondary to expedite construction of projects authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

It is important to note, Mr. Speaker, that the use of the $369 million shall be in accordance with the requirements established by ISTEA.

Last month's unemployment figures, as we know, were absolutely devastating: a national unemployment rate of 7.8 percent, California 9.5 percent, New Jersey 9.2 percent, New York 9.2 percent, Massachusetts 8.8 percent, Michigan 8.8 percent, Illinois 8.6 percent, and Texas 8.2 percent, just to name a few of the States. We know that each dollar invested in the infrastructure pays back multiple returns to the economy.

This bill provides us with the opportunity to expedite creation of a substantial number of quality construction jobs.

If H.R. 5830 is the most we can do at this time, it is the least we must do to help put Americans back to work.

I urge adoption of the bill and I thank the gentleman for yielding.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I also rise in support of this legislation. Just 2 weeks ago, this Congress was successful in passing legislation which restored $369 million in obligation authority for the Federal-Aid Highway Program for fiscal year 1992. The Intermodal Surface Transportation Efficiency Act of 1991 included a provision which authorized funds for the Brooklyn courthouse. Because of the subsequent scoring of the courthouse as mandatory spending, the obligations for the highway program for fiscal year 1992 were reduced by almost $1 billion last December.

We were able to restore only part of that amount, so as not to cause a deficit on the pay-go scorecard. However, the $369 million in restored obligation authority will permit more needed transportation spending to occur across the country. Those additional funds were apportioned on Monday, August 10, to all the States.

The legislation before us concerns the use of that obligation authority. It directs the States to use their additional obligation authority, to the maximum extent practicable, for projects which will be under actual construction by October 30, 1992.

The intent of the provision is for the States to expend the funds on projects which will increase the number of real construction jobs. In the economic times in which we find ourselves, the creation of jobs is of immediate concern. This legislation will help to give an extra incentive for States to expend their funds on projects which are ready to go and therefore, ready to put people back to work.

The administration is in strong support of this legislation. All year, Secretary of Transportation Andrew Card has been urging States to obligate their ISTEA apportionments as quickly as possible.

It is a wonderful opportunity for us today to support his efforts, to see that valuable funds do not sit idle on the drawing board when they can be expended to create jobs, increase productivity, and improve our overall quality of life.

I urge my colleagues to support this bill to help jump start our country's economic engine forward again.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5830

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Enactment of the Intermodal Surface Transportation Efficiency Act of 1991 and Public Law 102-334 provide the opportunity to create substantial numbers of quality jobs for construction and improvement of transportation facilities and the expeditious construction of projects authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (including the amendments made by such Act) will enable those jobs to be available sooner.

(2) In particular, expeditious implementation of projects for resurfacing, restoration, rehabilitation, and preventative maintenance for pavements and bridges will also result in upgrading the quality of existing transportation facilities.

(3) Accelerating the approval process for resurfacing, restoration, rehabilitation, and preventative maintenance for pavements and bridges will not adversely impact the environment, as these types of projects are small in scope and improve existing transportation facilities.

SEC. 2. EXPEDITIOUS USE OF OBLIGATION AUTHORITY.

The Secretary of Transportation, States, and metropolitan planning organizations shall expedite, to the maximum extent practicable, use of obligation authority restored by Public Law 102-334 for projects which will be under actual construction by October 30, 1992, in order to increase the number of quality jobs for construction and improvement of transportation facilities. The use of such obligation authority shall be in accordance with the policies established by the Intermodal Surface Transportation Efficiency Act of 1991, including the amendments made by such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1640

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5830, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1766, U.S. CAPITOL POLICE JURISDICTION REFORM ACT

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1766) relating to the jurisdiction of the U.S. Capitol Police, with a Senate amendment to the House amendments thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio? The Chair hears none and, without objection, appoints the following conferees: Mr. ROSE, Ms. OAKAR, and Messrs. PANETTA, THOMAS of California, and ROBERTS.

There was no objection.

PRESCRIPTION DRUG AMENDMENTS OF 1992

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3163) to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, 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 California?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I yield to

my colleague, the gentleman from California [Mr. WAXMAN], to explain briefly what this bill would do.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this legislation will extend the deadline for States to comply with the Prescription Drug Marketing Act, and in the interim establish a substitute registration system at the Food and Drug Administration. It will also clarify the legal requirements concerning the level of knowledge required for a criminal prosecution.

The Prescription Drug Marketing Act set a September 14, 1992, deadline for States to license prescription drug wholesaler. As of this month, most States are in full compliance with this requirement, but it is clear that some States have not adopted the registration system. An extension of the original deadline is needed to guarantee continued access to the full range of prescription drugs for all Americans. Otherwise, prescription drug wholesalers in States that have not yet met the legislative requirements of the PDMA will be subject to civil and criminal penalties.

Congressman DINGELL and I have worked with industry groups and the administration in drafting this amendment. The bill includes a sunset provision, so that the PDMA deadline is extended by only 2 years. This gives States the time they need to legislate and implement their registration programs. In the interim, companies in States that have not yet established registration programs will be required to register at the Food and Drug Administration.

Following this statement, I have included a section-by-section analysis of the bill.

S. 3163 was adopted unanimously by other body. I urge my colleagues to support this legislation.

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

The short title of the bill is the Prescription Drug Amendments of 1992.

SEC. 2. DISTRIBUTOR REGISTRATION

Section 2 establishes a temporary (2 year) registration program with the Food and Drug Administration ("FDA") for wholesale distributors of prescription drugs in interstate commerce in states that do not license such persons in accordance with existing requirements of the Federal Food, Drug and Cosmetic Act ("FDC Act").

Section 503(e)(2)(A) of the current law is intended to ensure that any person engaging in the wholesale distribution of prescription drugs in interstate commerce shall be licensed in the state in which it does business and that state licensing requirements meet certain minimum requirements as contained in regulations promulgated by the Secretary of the Department of Health and Human Services ("HHS"). The effective date for subparagraph 503(e)(2)(A) is September 14, 1992.

While many states have taken steps to meet the licensing requirements and are expected to meet the deadline, current data indicate that some states may not enact prescription drug wholesaler licensing requirements by September 14, 1992. Therefore, the amendments to section 503(e) provide for a temporary registration program within HHS for persons engaging in the wholesale distribution of prescription drugs in states that have not yet adopted licensing programs. This temporary registration provision is not intended to create a federalized registration program and will expire without extension on September 14, 1994. Ultimate responsibility for licensing wholesale distributors shall remain with the states.

The bill's sponsors understand the FDA has the discretion to implement this provision in a manner that is consistent with its resources.

SEC. 3. PENALTY CLARIFICATION

Section 3 adds a "knowingly" standard to the felony provision of the Prescription Drug Marketing Act ("PDMA"). In its present form, the Act provides severe punishment for criminal violations without expressly requiring any scienter on the part of the offender.

Addition of the word "knowingly" in Section 303(b)(1) of the FDC Act is intended to clarify that the offenses described in that section require an element of knowledge. The amendment conforms with prosecutorial experience and practice.

Section 303(b)(1) is intended to clarify that the offenses described in that section require an element of knowledge. The provision conforms with prosecutorial experience and practice.

The offenses described in section 303(b)(1) are treated differently from other offenses in the FDC Act. In general, a violation of the FDC Act is punishable as a misdemeanor without proof of consciousness of wrongdoing (Section 303(a)(1); *United States v. Park*, 421 U.S. 658 (1975)), or as a three-year felony when the violation is second offense, or when it is committed with the intent to defraud or mislead. Section 303(b)(2). The precription drug marketing offenses described in section 303(b)(1) of the FDC Act are excepted from this scheme, carrying only a felony penalty.

As originally enacted, section 303(b)(1) stated no mental element for the offenses it described. This silence potentially could create confusion about what kind of conduct Congress was addressing. Indicia of Congress' intent are available in other parts of the statute and the legislative history. For example, Congress provided that a pharmaceutical company would not be criminally responsible for every drug diversion perpetrated by a company employee 303(c)(1); House Report 1000-76 at 12. This is strong evidence that 303(b)(1) was not intended to create a strict liability offense under the FDC Act. In the absence of specific language describing the intended mental element of the offense, however, the statute might be subject to conflicting or erroneous interpretation by the courts.

The present amendment makes clear that the offenses described in section 303(b)(1) are committed when an individual "knowingly" commits acts that are proscribed by the PDMA (for example selling a prescription drug sample, importing a prescription drug, or selling a drug that had been purchased by a health care entity). This knowledge extends only to the prohibited act; it would not be necessary in a prosecution for the government to prove that the defendant knew that the act was a violation of any law. Thus, for example, an offense under amended section 303(b)(1)(B) would be committed when an individual sold a prescription drug that had been purchased by a health care entity, if he or she were aware of these circumstances, whether or not he or she also knew that the sale of the drug was a violation of section 503(c)(3).

Section 3 also substitutes the words "institution of criminal proceeding" for "arrest" or "arrest of" in current law, because there are rarely arrests in connection with criminal proceedings under the PDMA.

Finally, section 3 revises section 303(c) and (d) to conform with section 303 (a) and (b) as amended by the PDMA, and corrects subsection (d).

SEC. 4 DRUG SAMPLES

Section 4 clarifies the prohibition against the distribution of drug samples by anyone other than the manufacturer or the manufacturer's authorized distributor. It also makes clear that providing a drug sample to a patient by (or in very limited circumstances at the discretion of) a licensed practitioner is not prohibited.

Section 4 also makes clear that any wholesale distribution of a prescription drug (any sale to anyone other than a consumer or patient, including any sale to an authorized distributor of record to a retail pharmacy) by anyone other than the manufacturer or authorized distributor of record must be preceded by a statement identifying each prior sale of the drug. The identifying statement must in all cases include the dates of each transaction involving the drug and the names and addresses of all parties to the transaction, and must contain such other information as the Secretary of HHS may require.

SEC. 5 TECHNICAL AMENDMENT

Section 5 makes a technical amendment to section 801(d)(1) of current law.

Mr. DANNEMEYER. Mr. Speaker, further reserving the right to object, if we do not adopt this bill very soon, there are certain sellers of prescription drugs that may be in violation inadvertently of State laws, and this is the reason that I think the legislation should be adopted.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 3163, a bill that provides for the temporary licensing with the Food and Drug Administration of prescription drug wholesalers in States that have yet to establish a State licensing system as required by existing law.

The purpose of this technical amendment is to prevent needless disruption in the distribution of drugs by wholesalers in the United States.

The bill amends the Prescription Drug Marketing Act, which was signed into law in April 1988. This law requires States to license wholesale distributors of prescription drugs in conformance with minimum standards published by the FDA. The statute gave the States 2 years to accomplish this task. While many States have complied, a number of other States have not. On September 15, 1992, any wholesaler that sells prescription drugs in a State that has not complied with the licensing requirement will be committing a felony.

The National Wholesale Druggists Association has informed the Energy and Commerce Committee that, as of the end of July 22 States and the Commonwealth of Puerto Rico were not in compliance. While several of these States may come into compliance by September 15, it is clear that some will not. The NWDA has told the committee that their mem-

bers in those States will be forced to cease sales in interstate commerce for fear of violating the law.

To prevent this disruptive and costly outcome, this legislation allows wholesalers in noncomplying States to register instead with the FDA. This temporary alternative registration system, which only applies to States without registration systems that meet the FDA standard, will sunset after 2 years.

The provisions of this bill have been worked out with all parties, including affected elements in the pharmaceutical industry, the administration and, of course, my Republican colleagues. I would especially like to thank my good friends in the Senate, Chairman KENNEDY and Senator HATCH, and their staffs, for their leadership and their hard work in passing this legislation. Thanks are also due for Chairman WAXMAN and the staff of his subcommittee for their helpful role in facilitating the passage of this bill.

Mr. Speaker, I urge my colleagues to vote in favor of this important piece of legislation.

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3163

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Prescription Drug Amendments of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. DISTRIBUTION REGISTRATION.

(a) REQUIREMENT.—Section 503(e)(2)(A) (21 U.S.C. 353(e)(2)(A)) is amended by inserting before the period the following: "or has registered with the Secretary in accordance with paragraph (3)".

(b) REGISTRATION.—Section 503(e) (21 U.S.C. 353(e)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following:

"(3) Any person who engages in the wholesale distribution in interstate commerce of drugs that are subject to subsection (b) in a State that does not have a program that meets the guidelines established under paragraph (2)(B) shall register with the Secretary the following:

"(A) The person's name and place of business.

"(B) The name of each establishment the person owns or operates that is engaged in the wholesale distribution of drugs in a State that does not have a program to license persons engaged in such distribution.".

(c) TECHNICAL.—Section 503(f)(1)(B) (21 U.S.C. 353(f)(1)(B)) is amended by striking out "and order" and inserting in lieu thereof "an order".

(d) SUNSET.—Effective September 14, 1994, the amendments made by subsections (a) and (b) shall no longer be in effect.

SEC. 3. PENALTY CLARIFICATION.

(a) SCIENTER.—Paragraph (1) of section 303(b) (21 U.S.C. 333(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsection (a), any person who violates section 301(t) by—

"(A) knowingly importing a drug in violation of section 801(d)(1),

"(B) knowingly selling, purchasing, or trading a drug or drug sample or knowingly offering to sell, purchase, or trade a drug or drug sample, in violation of section 503(c)(1),

"(C) knowingly selling, purchasing, or trading a coupon, knowingly offering to sell, purchase, or trade such a coupon, or knowingly counterfeiting such a coupon, in violation of section 503(c)(2), or

"(D) knowingly distributing drugs in violation of section 503(e)(2)(A),

shall be imprisoned for not more than 10 years or fined not more than $250,000, or both.".

(b) CLARIFICATION.—Section 303 (21 U.S.C. 333) is amended—

(1) in subparagraphs (A) and (B)(i) of subsection (b)(4), by striking out "the arrest and conviction of" each time it occurs and inserting in lieu thereof "the institution of a criminal proceeding against, and conviction of,";

(2) in subparagraph (B)(i) of subsection (b)(4), by striking out "the arrest of" and inserting in lieu thereof "the institution of a criminal proceeding against";

(3) in subsection (b)(5), by striking out "the arrest and conviction of" and inserting in lieu thereof "the institution of a criminal proceeding against, and conviction of,";

(4) in subsections (c) and (d), by striking out "subsection (a) of this section" and inserting in lieu thereof "subsection (a)(1) of this section"; and

(5) in subsection (d), by striking out ", and no person" and all that follows through "mislead".

SEC. 4. DRUG SAMPLES.

Section 503 (21 U.S.C. 353) is amended—

(1) in subsection (d), by amending paragraph (1) to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), no person may distribute any drug sample. For purposes of this subsection, the term 'distribute' does not include the providing of a drug sample to a patient by a—

"(A) practitioner licensed to prescribe such drug,

"(B) health care professional acting at the direction and under the supervision of such a practitioner, or

"(C) pharmacy of a hospital or of another health care entity that is acting at the direction of such a practitioner and that received such sample pursuant to paragraph (2) or (3).".

(2) in paragraphs (2) and (3) of subsection (d), by striking out "distributor" each place it occurs and inserting in lieu thereof "authorized distributor of record" and in subsection (d)(3) by striking out "distributors" each place it occurs and inserting in lieu thereof "authorized distributors of records";

(3) in subsection (e), by amending paragraph (1) to read as follows:

"(e)(1)(A) Each person who is engaged in the wholesale distribution of a drug subject to subsection (b) and who is not the manufacturer or an authorized distributor of record of such drug shall, before each wholesale distribution of such drug (including each distribution to an authorized distributor of record or to a retail pharmacy), provide to the person who receives the drug a statement (in such form and containing such information as the Secretary may require) identifying each prior sale, purchase, or trade of such drug (including the date of the transaction and the names and addresses of all parties to the transaction).

"(B) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug."; and

(4) in subsection (e)(4) (as so redesignated by section 2(c)), by inserting before the dash the following: "and subsection (d)".

SEC. 5. TECHNICAL AMENDMENT.

Section 801(d)(1) (21 U.S.C. 381(d)(1)) is amended by striking out "person who manufactured" and inserting in lieu thereof "manufacturer of".

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.

SENSE OF CONGRESS REGARDING VISIONARY ART AS NATIONAL TREASURE AND REGARDING AMERICAN VISIONARY ART MUSEUM

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 81) expressing the sense of the Congress regarding visionary art as a national treasure and regarding the American Visionary Art Museum as a national repository and educational center for visionary art, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mrs. ROUKEMA. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the chairman of the committee what the description is of this unanimous-consent request. I believe the title is "Museum for Visionary Art."

Mr. WILLIAMS. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. Further reserving the right to object, I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, Senate Concurrent Resolution 81 gives national recognition to the American Visionary Art Museum.

Visionary art is art produced in response to extraordinary circumstances. It is not art produced by practicing, professional artists, but rather art produced by the mentally ill, the disabled, and the elderly. It is art that assists these individuals, through the use of the creative process, to overcome the problems that confront them.

The American Visionary Art Museum, in the process of being built in Baltimore with State and private money is the only visionary art museum in the United States. The legislation before us will recognize visionary art as an important national treasure and proclaim the American Visionary Art Museum a national repository and educational center for visionary art. It asks for no authorization of Federal dollars, only Federal recognition.

I urge adoption of the resolution.

Mrs. ROUKEMA. Further reserving the right to object, I thank the subcommittee chairman.

It is a very meritorious project, and there are no objections on the minority side. It also has the full support of Representatives from that area on both sides of the aisle, and I am happy to support the proposal.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 81

Whereas visionary art is the art produced by self-taught individuals who are driven by their own internal impulses to create;

Whereas the visionary artist's product is a striking personal statement possessing a powerful and often spiritual quality;

Whereas prominent among the creators of visionary art are the mentally ill, the disabled, and the elderly;

Whereas there are many museums of visionary art located throughout Europe such as the Art Brut Museum located in Lausanne, Switzerland;

Whereas the American Visionary Art Museum is the first museum in North America to be wholly dedicated to assembling a comprehensive national collection of American visionary art;

Whereas the collection at the American Visionary Art Museum includes film, literature, and research on all fields related to visionary art;

Whereas the American Visionary Art Museum's mission is to increase public awareness of uncommon art produced by individuals in response to extraordinary circumstances;

Whereas the American Visionary Art Museum seeks to remove the stigma associated with disability by illuminating the power of humans to triumph over adversity through creativity;

Whereas the national policy of deinstitutionalization has resulted in the closure of many facilities and the destruction of visionary artwork;

Whereas the American Visionary Art Museum has the support of certain offices of the National Institute of Mental Health and other government agencies in its goal to function as a national repository for works produced by formerly institutionalized individuals; and

Whereas it is the best interest of the national welfare and all American citizens to preserve visionary art and to celebrate this unique art form: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) visionary art should be designated as a rare and valuable national treasure to which we devote our attention, support, and resources to make certain that it is collected, preserved, and understood; and

(2) the American Visionary Art Museum is the proper national repository and educational center for visionary art.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1443

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1443.

The Speaker pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

RAIL SAFETY ENFORCEMENT AND REVIEW ACT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2607) to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 and 1993, and for other purposes, with a Senate amendment to the House amendments to the Senate amendment, and concur in the Senate amendment to the House amendments to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendments to the Senate amendment, as follows:

Senate amendment to House amendments to Senate amendment:

Page 27, after line 14, of the House amendment to the Senate amendment to the text of the bill, insert:

SEC. 19, AIRPORT LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are major airports served by an air carrier that has leased a substantial majority of the airport's gates;

(2) the commerce in the region served by such a major airport can be disrupted if the air carrier that leases most of its gates enters bankruptcy and either discontinues or materially reduces service; and

(3) it is important that such airports be empowered to continue service in the event of such a disruption.

(b) BANKRUPTCY RULES REGARDING UNEXPIRED LEASES.—Section 365(d) of title 11, United States Code, is amended by adding at the end the following new paragraphs:

"(5) Notwithstanding paragraphs (1) and (4) of this subsection, in a case under any chapter of this title, if the trustee does not assume or reject an unexpired lease of nonresidential real property under which the debtor is an affected air carrier that is the lessee of an aircraft terminal or aircraft gate before the occurrence of a termination event, then (unless the court orders the trustee to assume such unexpired leases within 5 days after the termination event), at the option of the airport operator, such lease is deemed rejected 5 days after the occurrence of a termination event and the trustee shall immediately surrender possession of the premises to the airport operator; except that the lease shall not be deemed to be rejected unless the airport operator first waives the right to damages related to the rejection. In the event that the lease is deemed to be rejected under this paragraph, the airport operator shall provide the affected air carrier adequate opportunity after the surrender of the premises to remove the fixtures and equipment installed by the affected air carrier.

"(6) For the purpose of paragraph (5) of this subsection and paragraph (f)(1) of this section, the occurrence of a termination event means, with respect to a debtor which is an affected air carrier that is the lessee of an aircraft terminal or aircraft gate—

"(A) the entry under section 301 or 302 of this title of an order for relief under chapter 7 of this title;

"(B) the conversion of a case under any chapter of this title to a case under chapter 7 of this title; or

"(C) the granting of relief from the stay provided under section 362(a) of this title with respect to aircraft, aircraft engines, propellers, appliances, or spare parts, as defined in section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301), except for property of the debtor found by the court not to be necessary to an effective reorganization.

"(7) Any order entered by the court pursuant to paragraph (4) extending the period within which the trustee of an affected air carrier must assume or reject an unexpired lease of nonresidential real property shall be without prejudice to—

"(A) the right of the trustee to seek further extensions within such additional time period granted by the court pursuant to paragraph (4); and

"(B) the right of any lessor or any other party in interest to request, at any time, a shortening or termination of the period within which the trustee must assume or reject an unexpired lease of nonresidential real property.

"(8) The burden of proof for establishing cause for an extension by an affected air carrier under paragraph (4) or the maintenance of a previously granted extension under paragraph (7)(A) and (B) shall at all times remain with the trustee.

"(9) For purposes of determining cause under paragraph (7) with respect to an unexpired lease of nonresidential real property between the debtor that is an affected air carrier and an airport operator under which such debtor is the lessee of an airport terminal or an airport gate, the court shall consider, among other relevant factors, whether substantial harm will result to the airport operator or airline passengers as a result of the extension or the maintenance of a previously granted extension. In making the determination of substantial harm, the court shall consider, among other relevant factors, the level of actual use of the terminals or gates which are the subject of the lease, the public interest in actual use of such terminals or gates, the existence of competing demands for the use of such terminals or gates, the effect of the court's extension or termination of the period of time to assume or reject the lease on such debtor's ability to successfully reorganize under chapter 11 of this title, and whether the trustee of the affected air carrier is capable of continuing to comply with its obligations under section 365(d)(3) of this title.".

(c) PARTIAL ASSIGNMENTS OR ASSUMPTIONS OF LEASES.—Section 365(c) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(4) such lease is of nonresidential real property under which the debtor is the lessee of an aircraft terminal or aircraft gate at an airport at which the debtor is the lessee

under one or more additional nonresidential leases of an aircraft terminal or aircraft gate and the trustee, in connection with such assumption or assignment, does not assume all such leases or does not assume and assign all of such leases to the same person, except that the trustee may assume or assign less than all of such leases with the airport operator's written consent.".

(d) PROHIBITION OF LEASE ASSIGNMENTS AFTER TERMINATION EVENT.—Section 365(f)(1) of title 11, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that the trustee may not assign an unexpired lease of nonresidential real property under which the debtor is an affected air carrier that is the lessee of an aircraft terminal or aircraft gate if there has occurred a termination event.".

(e) AFFECTED AIR CARRIER DEFINED.—Section 365 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(p) In this section, 'affected air carrier' means an air carrier, as defined in section 101(3) of the Federal Aviation Act of 1958, that holds 65 percent or more in number of the aircraft gates at an airport—

"(1) which is a Large Air Traffic Hub as defined by the Federal Aviation Administration in Report FAA-AP 92-1, February 1992; and

"(2) all of whose remaining aircraft gates are leased or under contract on the date of enactment of this subsection.".

(f) APPLICABILITY.—The amendments made by this section shall be in effect for the 12-month period that begins on the date of enactment of this Act and shall apply in all proceedings involving an affected air carrier (as defined in section 365(p) of title 11, United States Code, as amended by this section) that are pending during such 12-month period. Not later than 9 months after the date of enactment, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation and Committee on the Judiciary of the Senate and the Committee on the Judiciary and Committee on Public Works and Transportation of the House of Representatives on whether this section shall apply to proceedings that are commenced after such 12-month period.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. LENT. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Washington [Mr. SWIFT] for a brief explanation.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Senate amendment clarifies bankruptcy procedures with respect to certain airlines and the distribution of their gates.

Mr. LENT. Mr. Speaker, further reserving the right to object, I thank the gentleman for that explanation.

Mr. GEPHARDT. Mr. Speaker, I rise in support of the rail safety legislation approved by the Senate earlier today. This legislation contains a provision allowing continued operations at Lambert Airport, a major hub, in the event of a suspension of operations at St. Louis by our primary air carrier.

Our first priority is for TWA to emerge from bankruptcy. The 26,000 dedicated employees are among the best in the world. In the midst of an enormous industry shakeout, we are all hoping—and working—to find a way to save this proud airline and the thousands of careers that are on the line.

In the event that we do not succeed, operations at St. Louis' Lambert Airport could be substantially reduced or suspended. The economies of several cities have suffered when airport gates have been held hostage at bankruptcy courts, and we cannot afford to allow that in St. Louis or other major hubs dominated by one carrier.

If operations halted and the gates were locked up in bankruptcy courts, the St. Louis traveling public, business people, tourists, and others, would be left with a 70-percent reduction in air service. Airline employees would be left with no possibility of new local employment.

This legislation does not affect use of the gates by TWA as long as it continues its operations. In its leases, TWA originally had agreed to return the gates to Lambert in the event of bankruptcy; this amendment simply allows the airport to regain the gates if operations cease. It is a safety net for our community.

This amendment is an important first step in ensuring that communities across the country have some control over their own destiny when major carriers suspend operations. I thank Chairmen BROOKS, ROE, and DINGELL for their support of this legislation.

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

A motion to reconsider was laid on the table.

FOOD STAMP ACT OF 1977 AMENDMENT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 3001) to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. EMERSON. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Texas [Mr. DE LA GARZA] as the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

Mr. Speaker, S. 3001 prevents a reduction on October 1 of this year in the adjusted cost of the thrifty food plan for food stamp recipients.

Current law provides that each October 1 adjustments must be made in allotments to reflect 103 percent of the cost, in the preceding June, of the most recent thrifty food plan as determined by the Secretary of Agriculture. This year is unusual in that for the first time food costs in the preceding June—June 1992—are such that allotments in October of this year would be below current levels.

The Director of the Office of Management and Budget has advised the chairman of the House Budget Committee, Congressman LEON PANETTA, that currently the pay-as-you-go balance is positive in fiscal year 1993 and that passage of S. 3001 at this time would not trigger a sequester under the Budget Enforcement Act. I am attaching a copy of Director Darman's letter to my statement.

Accordingly, I urge prompt passage of this necessary legislation.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 12, 1992.

Hon. LEON PANETTA,
Chairman, Budget Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the House may act this week on S. 3001, Food Stamp Act Amendments, as passed by the Senate. This bill would prevent a decrease in food Stamp benefits for fiscal year 1993, as mandated by the current statutory formula.

OMB's preliminary review of S. 3001 indicates that the bill has a net pay-as-you-go cost in fiscal year 1993. Preliminarily, CBO agrees with this assessment. Based on legislation enacted to date, the current pay-as-you-go balance is positive in fiscal year 1993. This positive current balance is sufficient to offset the amount that OMB estimates to be the pay-as-you-go costs of S. 3001. If the House were to adopt the Senate-passed version of S. 3001 promptly, while the pay-as-you-go balance is positive, enactment of this legislation would not trigger a sequester under the Budget Enforcement Act.

With best regards,

RICHARD DARMAN,
Director.

Identical letter sent to Hon. Bill Gradison.

Mr. EMERSON. Mr. Speaker, further reserving the right to object, I rise in support of S. 3001.

This is a bill to prevent a reduction in the adjusted cost of the thrifty food plan, and thus a reduction in benefits to food stamp recipients for fiscal year 1993.

The annual cost of living increases in the food stamp program are scheduled to take place every October 1 and are based on annual changes in the cost of food as of the previous June. This year the changes in the cost of food have gone down and therefore the thrifty food plan [TFP], the basis of the food stamp benefit, will go down. USDA is in the process of calculating the thrifty food plan since they have to notify States soon so that changes can be made by October 1.

According to the Congressional Budget Office, the cost of using the fiscal year 1992 thrifty food plan is $330 million. If this is measured against the February baseline there is a $265 million savings. However, CBO has decided

not to use the February 1992 baseline for the fiscal year 1993 thrifty food plan.

The February 1992 baseline assumed a 1-percent cost of living allowance [COLA] at a cost of $265 million relative to no COLA. Actually there was a 1.3-percent decline in the thrifty food plan COLA for fiscal year 1993.

The Office of Management and Budget has forwarded a letter to the chairman of the House Budget Committee that indicates, as noted below, that passage of S. 3001 poses no problem for the pay-as-you-go balance and that its passage would not trigger a sequester.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 12, 1992.

Hon. LEON PANETTA,
Chairman, Budget Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the House may act this week on S. 3001, Food Stamp Act Amendments, as passed by the Senate. This bill would prevent a decrease in Food Stamp benefits for fiscal year 1993, as mandated by the current statutory formula.

OMB's preliminary review of S. 3001 indicates that the bill has a net pay-as-you-go cost in fiscal year 1993. Preliminarily, CBO agrees with this assessment. Based on legislation enacted to date, the current pay-as-you-go balance is positive in fiscal year 1993. This positive current balance is sufficient to offset the amount that OMB estimates to be the pay-as-you-go costs of S. 3001. If the House were to adopt the Senate-passed version of S. 3001 promptly, while the pay-as-you-go balance is positive, enactment of this legislation would not trigger a sequester under the Budget Enforcement Act.

With best regards,

RICHARD DARMAN,
Director.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3001

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

SECTION 1. ADJUSTED COST OF THRIFTY FOOD PLAN.

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting before the period at the end the following: ", except that on October 1, 1992, the Secretary may not reduce the cost of such diet".

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. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3001, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DREIER of California asked and was given permission to address the House for 1 minute.)

Mr. DREIER of California. Mr. Speaker, I ask for this time so that I might inquire of the extraordinarily distinguished majority leader about the schedule to be considered weeks and weeks and weeks in advance.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to my friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Obviously there are no more votes today. There will not be votes the rest of the week.

We will be going into an adjournment for the Republican National Convention and for district work period to come thereafter.

On Monday, September 7, the House will not be in session. It is part of the Labor Day district work period. Tuesday, September 8, again, the House will not be in session as part of the work period.

On Wednesday, September 9, and Thursday, September 10, the House will meet at noon on Wednesday and at 10 a.m. on Thursday.

□ 1650

We will have motions to go to conference expected on appropriation bills.

I would expect on Wednesday the first vote could be expected about 1 o'clock or 1:30 in the afternoon. There will be votes on motions to instruct conferees.

We will then be taking up H.R. 4394, the merchant mariners' documents, subject to a rule; H.R. 4484, Maritime Administration reauthorization for fiscal year 1993, subject to a rule; H.R. 4706, Child Safety Protection and Consumer Product Safety Commission Improvement Act, subject to a rule; H.R. 5754, Water Resources Development Act of 1992, subject to a rule, and H.R. 5231, National Competitiveness Act of 1992, subject to a rule; also, H.R. 2, the Family Medical Leave Conference Report is a possible matter for consideration during this two-day period.

On Friday, September 11, the House will not be in session.

Mr. DREIER of California. So Mr. Speaker, I would ask the distinguished majority leader then, Members should expect votes on Wednesday and Thursday, the 9th and 10th of September.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, that is correct, and possible votes into the evening on those two nights; no votes, obviously, on Monday, Tuesday, or Friday of that week.

Mr. DREIER of California. So it is safe for us to say that having cast the last vote for today, that we can all say to each other, "See you in September"?

Mr. GEPHARDT. Correct; to be precise, about 1 or 1:30 on Wednesday, September 9.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman very much, and I yield back the balance of my time.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 9, 1992, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 9, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 9, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONGRATULATIONS TO HOUSE PAGES

(Mr. EMERSON asked and was given permission to address the House for 1 minute.)

Mr. EMERSON. Mr. Speaker, I take this time to note that with the commencement of the August summer recess of the Congress, we will no longer see the current class of pages who are serving us here. When we return in September, there will be a new group for the school year.

I just wanted to commend those who have served during this early summer period for the work that they have done, for the fine service they have rendered to the House of Representatives, to wish on behalf of myself and I am sure all my colleagues our very best wishes to each and every one of them in their future endeavors.

Serving as a page in the House of Representatives is a wonderful opportunity. I know because I was one at one time. I found it to be the best single learning experience of my life.

I hope that the pages who are with us now have gleaned a lot from their service here in the seat of democracy and that it will serve them well all their years.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I am glad to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, if you will look over my shoulder on both sides at the bright flashing eyes, I think you would agree with me that remarkable as it might sound, each class of pages, if this is humanly possible, becomes more brilliant and dedicated than the prior class. I have seen some outstanding classes of pages since I came here with MARY ROSE OAKAR in the great bicentennial class of 1976, but this is a particularly outstanding group, and I expect to see at least 50 percent of these young men and women back here, like this great ex-page, the gentleman from Missouri [Mr. EMERSON] back here serving with us, and I doubt many of us will be around then.

Mr. EMERSON Mr. Speaker, I ask unanimous consent to include at this point in the RECORD the roster of the pages who are currently serving in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAGES—SUMMER, 1992

Allen, Marja Dominique; Bielawski, Nicole Marie; Bird, Rebecca Cristina; Borba, Andria Karla; Brewer, Jeremy Walker; Bushell, Brian Andrew; Callahan, Kathleen Marie; Coen, Thomas Francis; Czerwinksi, David Edward; Daugherty, Benjamin Brooks.

Donohue, Audra C.M.; Driscoll, Michael Edmund; Elliott, David Horrace, II; Feigenbaum, Daniel Marc; [1]Flack, Eric John; Fleischer, Michael Lowell; Goodale, Nicole Lynn; Grampa, Giovanna (Joanne); Hardeman, Thomas L., III.

Harrell Cheri Renee; Hennessey, Michael Evan; Hertel, Heather Katherine; Hooge, Joshua Steven; Jaszczak, Renee Theresa; Jones, Carrie Elizabeth; Kahn, Joseph Marion; Kamin, Maria Linda; Keeling, Alexandra Halik; Kelleher, Brendan Patrick.

King, Julie Lynn; Kinkor, Kevin; Knautz, Elizabeth Anne; Lanaux, Christopher Thomas; Leahy, John Francis, IV; Lieber, Stephanie Joy; Lipper, Julie; [1]Malon, Brett Christian; Mayo, Christine Robb; Mayo, Julie Lynne.

Midgley, Juliet Christine; Moretz, Michaele Grace; Nieh, Cornell Ho; Ochshorn, Sivan Annabelle; O'Neill, Susannah Julie; [1]Paul, Michelle Wetter; Powell, Doshey Lynwood; Rivas, Monica; Rubin, Samuel Adam.

Russo, Alexander Patrick; Sartini, Chad Christopher; Scott, Shelley Renee; Sexton, Todd Joseph; Smooke, Ellen Joy; Stabenow, Todd Dennis; Strauss, Catherine Louise; Sundy, Robert.

Thrun, Ryan William; Tommasi, Paul Joseph; Topodas, Dean Themistocles; Walling, Heather Lynne; Willis, Kara Michelle; Wilson, Tameka Renne; Zifkin, Hillary Rose; Zimmerman, Leah Rea.

[1]Served in 1st term also

REPUBLICAN PAGES

Marc G. Barenbert, Christian Early Brown, John Thomas Curlett, Nicole Andrea Doucette.

Elizabeth Buchanan Edison, David Kirkham Evans, Atticus James Gill, Chris George Goemans, Virginia Katherine Hawkins, Shannon E. Holbrook, Morgan Webb Jones.

Demetrios L. Kouzoukas, Claire Catherine Lauderdale, Katherine V. McMaster, C. Brook McShane, Frederick Andrew Messing, III, Carrie Allison Patton, Abraham Nathaniel Saiger, Clovis L. Thorn, Lisa Marie Wanaske.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have whatever time is necessary to revise and extend their remarks on the subject of my 1-minute speech on the pages today, because I know some Members who are not here may wish to have something to say.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. (Mr. MONTGOMERY). The Chair lays before the House the following message from the Senate:

The Clerk read as follows:

S. CON. RES. 135

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, August 12, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 12:00 noon, or until such time as may be specified by the Majority Leader, or his designee, in the motion to adjourn or recess, on Tuesday, September 8, 1992, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns at the close of business on the legislative day of Wednesday, August 12, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 noon on Wednesday, September 9, 1992, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MANIPULATION OF REPORTS FROM YUGOSLAVIA

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. BENTLEY. Mr. Speaker, time after time I have urged the Congress to be careful in its approach to the civil war in Yugoslavia. We have little reliable intelligence about what is occurring over there, and remembering how we were manipulated in Kuwait with the horror story about babies being taken out of incubators, left to die by Saddam Hussein's soldiers, a lie run past us by a Washington PR firm, we must question all reports.

A featured photo in Newsweek and on the front page of the New York Times of August 7, may be just another example of this type of waging war.

Note, I say only that it is possible, because yesterday I spoke with a Serbian woman living in Vienna, Austria, who claims that the emaciated man called a picture of brutality by the Times and described as a prisoner of Serbian forces in Bosnia is her Serbian brother.

It is a possibility that someone might resemble her brother, Slobodan Konjevic, but in the films shown on CNN in Europe, she identified another brother, Zoran, in another group.

It is difficult to believe that she, her mother and her sister, could be mistaken on both. If she is correct, then why are two Serbians being identified as prisoners of Serbian forces in an internment camp? She desperately wants to get in touch with her brothers and is begging reporters who were there to find them for her.

I believe we need to know just what is going on and which camp is which.

Mr. Speaker, I include the following article:

SPIN DOCTORS OF WAR

It would have been perhaps the worst atrocity so far in a war where horror follows on horror: Serbian irregular snipers paid the equivalent of 300 pounds for every child-kill they achieve. The story was related by Steve Watt, a volunteer aid worker.

"They target the children," he said, "because of the money and because they are easier to kill. With their small size, the bullets make a bigger mess."

Mr. Watt's words were transmitted—along with his claimed statistic for 11,000 child injuries from gunshot wounds and some 400 child-deaths—on Sunday, the BBC's morning radio news service, The World This Weekend and, perhaps most importantly, on News Hour, the World Service flagship news programme the following day. They were thus read into the record for a potential English language audience of 300 million listeners worldwide.

And the story is almost certainly not true. No one imputes any ulterior motive in Mr. Watt's relating what he had been told by Croats and Bosnians in his brave journey in a truck convoy on the road to Sarajevo; but one does have to question the BBC's editorial judgment in the manner of its transmission.

Like many others of its genre, this story had it origins in Bosnia-Hercegovina, but owes more than a little in its passage to Croat/Bosnian, and now international, folklore to the outpourings of a PR company's fax machine in Washington, DC.

While origins of atrocity stories are frequently difficult to discern in war, the history of this one, unusually, can be traced. It first gained its credence in the Croatian media and, like many others from both sides of the conflict, it has little or no first-hand substantiation.

It made an appearance in an article written by Irtse Zortic, a Bosnian Muslim journalist working for a Croatian newspaper, the contents of which were subsequently repeated in other Coatian newspapers and formed part of a news broadcast transmitted by Radio Croatia International.

The service, which peppers its broadcast with items of blatant propaganda passing as "news", is treated with disdain by the western media. But like all international broadcasts, it is monitored by the BBC at Caversham, whose operators hear its other favoured subjects—Serbian salt mines operated with Croat and Bosnian slave labour and Kurdish militia fighting, for huge sums of money, for the Serbian cause.

The Caversham monitors record important information from the airwaves in the Summary of World Broadcasts. One said recently: "Frankly, much of what we get from all sides in this conflict is unusable, useless. Unless it is a speech or something like that, it usually finds it way to the bin." Which is what happened to Zortic's story.

Zortic stands by his story, but admitted last week that he was given it by the Croatian Information Ministry, in a private interview, and that he made no further checks. "Who could I ask?" he says. "You can't expect us to ring them [the Serbs] and believe them when they say it isn't true." But the tale, which is so widely accepted as fact in Croatia as to be described as an "old chestnut" by a senior western journalist covering the Yugoslav conflict, owes much to an earlier communication from the fax machine in the offices of Ruder and Finn in Washington.

Last week, Rhoda Paget from the company admitted to assisting in disseminating the "Cash for a Corpse" story. "We were told it by a minister in the Croatian government. We merely informed them of its importance and have never checked its honesty. Neither do we have the resources to do so. Frankly, it's just not our job. It's the journalist's job to check them out . . . but it came to notice by a surprising route." Rudder and Finn's "job" is to handle the PR account for the governments of Croatia and Bosnia-Hercegovina at a cost of US$18,000 (£9,700) a month, while British lobbying company, Ian Greer Associates, act in a similar regard "on behalf of Serbian interests", their undisclosed fee paid by a "syndicate of Serbian businessmen".

According to John MacArthur, publisher of Harpers magazine, and author of a book, Second Front, on the subject of public relations and propaganda in the Gulf war, it is the American company that is currently doing the better. "The relative success of these companies in getting horror stories into print is critical to the setting of the international political agenda," he says. "They affect votes in both the Security Council and the Conference on Security and Cooperation in Europe by altering the mind-set of an electorate who would never dream of reading a UN resolution. They establish the conditions which make it possible to be involved in a war."

MacArthur points to the success of PR company Hill and Knowlton in promoting the "Dead Kuwaiti Babies" story, in which Iraqi troops were alleged to have taken Kuwaiti babies out of their incubators and left them to die on the hospital floor. The story relied on the testimony of an eye-witness who subsequently gave televised testimony to the Congressional Human Rights Caucus. The "eye-witness" was subsequently revealed to be the daughter of the Kuwaiti ambassador to Washington who had been "told" about the killings by witnesses who have never since been produced.

"If this had been known at the time," John Edward Potter, senior Republican on the caucus said, "she would have not been allowed to testify". But the story of the story was not published until January this year, nine months after the end of Desert Storm. "Nayirah's testimony was critical for establishing the conditions where the American public would accept the deaths—any death—of their own,' says MacArthur. "It is ironic and immoral that such changes should have brought about misinformation, perhaps even a downright fake."

According to Tom O'Sullivan, a journalist at PR Week, both Steve Watt's and Nayirah's testimony provide what is called in PR-speak, "a classic third-party endorsement", although Nayirah's was not revealed as such at the time. A story is told, someone else retells it and in the retelling it often gets embroidered. Watt says he was told the child-killings story on the road in Sarajevo and has no first-hand knowledge. That means the real, true story is that someone, preferably English or an English speaker and a non-combatant, believes in its authenticity. "But the listener doesn't take it in as hearsay—instead they hear it as recorded fact," says Sullivan. "You could argue, that is what the PR industry is all about."

According to an executive at Hill and Knowlton who, although not acting for any Balkan interests, refused to be named, the fact that Croatia is not subjected to any embargo, even for weaponry, while Serbia faces sanctions, may itself be due to better PR. A recent investigation of reported atrocities showed that the number of substantiated incidents was similar, four perpetrated by Serbs, two by Croats, one by Muslims, and two by Muslims and Croats together.

John Kennedy, a Conservative parliamentary candidate at the last election, now a PR consultant with Ian Greer Associate who has worked on the Serbian account, says that the Serbian government in its support for Serbian irregulars is "faced with losing battles on the second (propaganda) front precisely because they have been winning the war. The public relations defeats do not bother the fighters, of course, but they have an indirect effect on their ability to prosecute their war."

Mr. Kennedy, usually labelled by BBC radio—and without further qualification—as "an expert on Serbian affairs", feels Greer's way is more subtle than that favored by the American companies, "We use the press," he said "but it is behind the scenes lobbying, and the use of governmental opinion to sway international governmental opinion where we are the most effective. The Serbs will now have more opportunity for pressing their cause. Milan Panic, prime minister of the rump Yugoslavia, numbers Lawrence Eaglesburger, U.S. assistant secretary of state among his closest friends.

FIFTIETH ANNIVERSARY OF BATTLE OF SAVO ISLAND

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, before we all leave on this extended very hard work break, I want to take advantage of this moment to do something that I was unable to do Friday because the House was not in.

The longest heroic struggle in the history of the United States, a battle that raged for 6 months and 2 days, started last Friday, 50 years ago, on August 7, and concluded when the remaining several thousand Japanese troops escaped from Submarine Point on the Island of Guadalcanal, Cape Esperanz, in the first week of February 1943.

There are at least eight good books published on this battle of Guadalcanal, from "Guadalcanal Diary," published by a Marine correspondent, Richard Tragaskis, back during that period that was made into a popular cultural Hollywood movie at that time, right down to some definitive works published within the last 3 years.

Mr. Speaker, this struggle, hand-to-hand combat on Bloody Ridge, the worst naval defeat in history of 50 years ago on the 9th of August at Savo Bay, the comeback of our forces in this long struggle in that dark year of 1942 when we began the comeback.

I would recommend to the great historian, the gentleman from Massachusetts [Mr. DONNELLY], that during this break the gentleman from Massachusetts read one of the these Wake Island books or one of these Guadalcanal books and with the rest of my colleagues be motivated about some of the rough moments in this campaign year. It looks like we are never going to be able to work our way out of the red ink and massive debt in this Congress.

□ 1700

Believe me, 1942 is the year to inspire any American woman or man, any young person. We are Americans. We can accomplish anything.

Remember Guadalcanal. The 50th anniversary goes on for the next 6 months.

PERMISSION FOR SPEAKER TO EXTEND HIS REMARKS IN THE RECORD

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that the Speaker be permitted to extend his own remarks in the body of the RECORD, and to include therein extraneous material.

The SPEAKER pro tempore (Mr. ENGEL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent to vacate the 5-

minute special order of the gentleman from Indiana [Mr. JONTZ] for today and that the gentleman be recognized for a 60-minute special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WELCOME TO TAE KWON DO, MR. SPEAKER

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, today I would like to commemorate a development sure to have a profound effect on the future of our great Nation, and especially to our deliberative process here in the people's House of Representatives.

My colleagues, our distinguished Speaker himself, the gentleman from Washington [Mr. FOLEY], has signed up for a greater ability to fight back when under assault from his political adversaries. If he is not getting enough kick out of his job today, he will soon, for our Speaker has recently joined the Tae Kwon Do class taught by the distinguished master, Jhoon Rhee.

As one who has studied under Master Rhee for the last 14 years, I can confirm that this development augers well for a more robust House leadership, one that will chop right through the unnecessary obstacles.

As chairman of Jhoon Rhee's Tae Kwon Do class, I welcome the Speaker to our ranks, and I am confident that our Members are all eager to demonstrate their punching and kicking skills on—for him.

[From the Washington Times, Aug. 12, 1992]

JHOON RHEE: STILL KICKING UP A STORM AT AGE SIXTY

(By Cesar G. Soriana)

When he was 6 years old in his hometown of Suwon, South Korea, little Jhoon Rhee was beaten up by a very precocious 5-year-old girl. His mother was so humiliated that she spanked him.

The incident, he says, was the turning point in his life. There was no martial arts school in Suwon, but he began lifting weights. At 13, he moved in with his uncle in Seoul and began training with Master Won Kooklee at the Do Kwan School next door.

Today at age 60, the man who introduced Tae Kwon Do to the United States says his life and dreams have only just begun.

Grandmaster Rhee—who holds a 10th degree black belt, the most elite level of martial arts expertise—has been a familiar name to Washington with his chain of Jhoon Rhee Tae Kwon Do centers. After a stint in the South Korean army during the Korean War, Mr. Rhee came to the United States with $46 in his pocket and opened his first studio on K Street NW in 1962.

His goal of teaching the ancient martial art to America began when he was 13 and sneaked into a theater to watch American movies. "Right then, I decided I was going to go to America, marry a beautiful American blonde and open two Tae Kwon Do studios."

His dreams grew beyond expectations. Since 1965, he has been married to Han Rhee from his native Korea. His Tae Kwon Do empire has grown to 60 studios in the United States, 12 of those in the Washington area, plus another 65 studios in the former Soviet Union that popped up in less than three years.

"Communism was perfectly prepared for my message," he says, noting that Russians have long lacked entertainment and that martial arts had been banned by the Communists.

Still, he is not satisfied. Dreams, like life, he says, grow. His goal now is to establish 1,000 studios in the United States and another 1,000 in the Commonwealth of Independent States—to match the digits in his studios' familiar USA-1000 telephone number.

By his own reckoning, Mr. Rhee will have plenty of time to complete his goals. He plans to live to be 136 years old after watching a Soviet woman on "60 Minutes" who was 135 years old. "If she can do it, I can do one more," he explains.

Mr. Rhee exercises 90 minutes every morning and 30 minutes before bed. He completes an amazing 1,000 push-ups a day and eats only fish, vegetables, fruits and an occasional injulmi, a Korean rice cake.

During an interview in the Smithsonian's administrative offices, Mr. Rhee interrupts to demonstrate his flexibility. Dressed in a full suit and without warming up, he sits on the foor and, doing the splits, leans forward and touches the carpet with his forehead. "I couldn't do this when I was 53," he says.

Mr. Rhee's message stresses personal and mental growth alongside physical strength in Tae Kwon Do, the Korean form of martial arts. Tae Kwon Do is similar to the Japanese discipline of karate, but with emphasis on the feet rather than the hands. "In martial arts, without a philosophy, it's just street fighting," he says.

Six years ago, Mr. Rhee integrated Tae Kwon Do into the academic programs at six elementary public schools in Southwest Washington. Twice a week, he volunteers his time to teach children self-defense and philosophy, stressing his two basic disciplines: standing at attention to develop listening skills and bowing to gain "a sense of respect for teachers, parents and self." He is also working to develop a student exchange program between his District students and Russia.

The White House acknowledged his program in March when he was awarded the 721st "Point of Light" by President Bush. Congress also appropriated $43,000 to continue his program in area schools.

"My ultimate goal is to change young people's discipline. . . . In order to be happy you must have a discipline," he says.

Mr. Rhee credits his knowledge of discipline and philosophy to his extensive religious training. During his life, he has joined and studied the Catholic, Methodist, Unification and Middle Eastern Bahaism religions.

"I came to the conclusion that God is within me, within every human heart," he says.

For the past 27 years, Mr. Rhee also has been teaching Tae Kwon Do three times a week on Capitol Hill, where he has had more than 100 lawmakers as students. His newest student is House Speaker Thomas Foley.

"He is in very good shape," Mr. Rhee says of the Washington Democrat. "If he keeps it up, he'll be black belt in no time."

At his two-hour seminar tomorrow night, sponsored by the Smithsonian Resident Associate Program, Mr. Rhee hopes attendees will go away with a sense of his philosophy, which he calls "happyism."

"How would you like to be 100 years of wisdom in an 18-year-old body?" he asks. "I decided I was going to live my life as an example of how everyone should live: with knowledge in the mind, honesty in the heart and strength in the body."

A SHOCKING STATISTIC FROM DADE COUNTY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this week the Florida Office of Health and Rehabilitative Services presented a shocking statistic.

One out of every 40 residents of Dade County, FL, is already infected with the AIDS virus. As many of you know, Dade County is home to one of America's beautiful and thriving cities—the city of Miami.

According to researchers at the University of Miami, there are several distinct subepidemics of HIV infection moving independently among gays, intravenous drug users, the homeless, heterosexual immigrants, women, and different racial or ethnic groups in Dade County. These cases all show distinctly different patterns, making them difficult to treat.

Mr. Speaker, this proves just how rapidly the AIDS virus is spreading. Just 12 years ago we would have been hard pressed to find 1 Dade County resident in 40 who knew what the AIDS virus was. Now 1 in 40 has it.

This is a tragedy and displays the seriousness of this dreaded disease.

HRS: ONE IN FORTY DADE DWELLERS HIV INFECTED

(By Linda Roach Monroe)

One out of every 40 residents of Dade County is already infected with the AIDS virus, the Florida AIDS office estimates.

And what's behind that figure, says a University of Miami epidemiologist, are several distinct sub-epidemics of HIV infection moving independently through different groups in the county.

Because a different AIDS prevention strategy is needed for each sub-epidemic, it will be harder to cope with an overall epidemic that is one of the fastest-growing in the country, say state officials.

AIDS cases among gays, intravenous drug users, the homeless, heterosexual immigrants, women and different racial or ethnic groups all show distinctly different patterns, says James M. Shultz, director of medical-student teaching in the UM epidemiology department.

Taken together, the new AIDS cases could mean $3.4 billion in additional costs for treatment over the next decade or so. Health officials estimate that an AIDS patient's care costs about $85,000 from the time of diagnosis until death.

The 1-in-40 HIV infection estimate was made by Spencer Lieb, a state Health and Rehabilitative Services official, at the re-

quest of the Dade HRS, which is trying to develop a strategy for coordinating AIDS efforts in the county.

The figure is based on a 1990 HRS estimate of 120,000 adults infected with HIV, the AIDS virus, in Florida. About a third of all diagnosed AIDS cases in adults are in Dade County. Therefore, Lieb says it's reasonable to expect that a third of the HIV infections also are in Dade—or 40,000 infections in a county of 1.6 million.

DIFFERENT RISKS

Lieb agreed that there are dramatic differences in the risk of HIV infection in different groups of people, particularly in Dade County.

In his unrelated analysis of federal AIDS figures, UM epidemiologist Shultz found that among non-Hispanic whites there are 14 men with AIDS for every woman with the disease. Among Hispanics, the ratio is slightly lower, 18 men for every one woman. But among blacks the ratio is 2 to 1, primarily because of intravenous drug use and heterosexual activity with drug users, Shultz says.

"Unlike San Francisco where—you have most of your AIDS cases in one or two categories—those involving male-to-male sexual contact—Miami has multiple sub-epidemics that are raging sub-epidemics in different geographical areas," Shultz says.

"What you see is what appears to be steady possibly declining numbers of cases in the homosexual/bisexual category," he says. "But the two pieces of the heterosexual epidemic are behaving completely differently.

"There has been a steady increase in the heterosexual cases among American-born people, from 3 percent to 9 percent since about 1984," he says. "But the numbers of heterosexual cases among immigrants from high-incidence AIDS countries have, if anything, stabilized in terms of total numbers and declined in terms of percentages of the overall AIDS cases."

"That is especially troubling because we're dealing with different behavioral and geographic and cultural aspects," he says.

"It's complicated because different groups have different stereotypes about aids," says Anita Bock, deputy district administrator for HRS in Dade.

"When we put together an education/prevention program, we have to be sensitive to the needs of each community."

LITTLE COORDINATION

Publicly funded AIDS education and treatment in the county already totals about $17 million a year, says Richard Stevens, in charge of HIV/AIDS planning for the Health Council of South Florida.

Currently, there is very little coordination in spending that money, so the county isn't very well prepared for another 40,000 AIDS cases, Stevens says.

"We have a long ways to go before we get a unified group," he said. "It's been ignored. And so it's just been the blind leading the blind, in terms of meeting the service demands. It's in disaray."

A COURSE IN BUSHONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this afternoon to draw attention to a new course being offered here in Washington, and it is called Bushonomics, and it is a course about how to create jobs everywhere else in the world but in the United States.

And there is a pattern to it.

Let us start with China, a very low-wage country, and let us talk about quilts. Yes, quilts. The National Quilting Bee exhibition is being held in Bowling Green, OH, this weekend, in my district, but the Bush administration has allowed the Smithsonian Institution to sign a licensing agreement with American Pacific Enterprises, Inc., to produce most of their quilts for us in China. Ironically the designs are for the American Heritage series of quilts.

Now we are talking about 3,000 to 4,000 quilts a month. This is not small business. How about that? United States reproduction quilts being sold and licensed out by our Smithsonian Institution in our Nation's Capital, contracted out to China.

The President did nothing about it.

Now let us turn to Mexico. Today the President made it official. The Bush administration has cast aside the interests of the citizens of the United States, of Mexico, and of Canada to get a quick deal on the North American so-called free-trade agreement that they have been negotiating. He announced that deal today, but just in time for the Republican Convention.

The Bush administration would like us to believe that this proposed agreement will create jobs in the United States, but that simply is not true. Although United States exports to Mexico have risen rapidly since 1986, it is also the case that United States imports from Mexico have been rising almost as fast. This occurs because the vast majority of United States exports to Mexico are capital goods and components, not consumer goods being bought by average citizens in that country. The goods we are sending over there are being used mainly to produce goods there that are then exported back to our country. They are not being sold to Mexican consumers.

Thus, U.S. jobs are really displaced, not created, and we know that real job growth is generated by increases in net exports; that is, the excess of things we send to another country versus what they send in here, not by exports that turn around and come back as manufactured goods a few months later.

In effect, Mr. Speaker, what we have going on right now is the incredible situation of unemployed workers in our country buying with their unemployment checks imported goods coming from China, coming from Mexico, made by workers who earn so little that they cannot even earn enough to buy what they make themselves. That is what Bushonomics gives us.

Mr. Bush would also like us to believe that a free trade agreement with Mexico will create more and better jobs in the United States. I would ask, "Haven't we heard that one?" But the record shows that the workers in our country displaced by trade are more likely to move down the job ladder to lower paying jobs or move off the ladder to permanent unemployment, not up the ladder to better jobs than they started with.

For example, in the apparel industry alone nearly half of the workers laid off during the 1980's have not found new jobs, and of those who were not reemployed, two-thirds were no longer even in our labor force. Is it any wonder we have homeless on the streets of cities like New York where over 500,000 workers in this country have been displaced out of our garment industry?

My State of Ohio has already lost 100,000 jobs to Mexico. I sometimes wonder if anybody here in Washington really cares. My district's unemployment rate is stuck now at double-digit levels, and every manufacturing plant in my home community of Toledo, OH, that has a plant in Mexico has either closed down entirely or moved large shares of its production to Mexico.

In order to understand what large scale job transfer to low wage Mexico means to average American workers who suddenly find themselves competing with one dollar wages, I want to tell my colleagues about a plant that has closed in my home community. Dura Mechanical Components has been the latest. It announced in May of last year, 1991, that it was shutting down its Toledo plant. Now the workers at this company produce window regulators and door hinges for the automotive industry. The remaining 140 hourly workers employed by this company lost their jobs. I mention this particular plant closing because Dura has a plant in Matamoros, Mexico, where workers earn under $1 an hour. Not surprisingly Dura transferred its production to Matamoros, Mexico.

So, I want to tell my colleagues the story of Mr. Gary Schondel, a former employee of Dura in my community.

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He is 56 years old and was employed at Dura Corp. since 1952. He was laid off in March of this year permanently.

During his career at Dura he learned a number of skills and worked as a material handler, a die cast machine operator, a production worker, a cold header operator, a timekeeper, a foreman, and a shipping clerk. Mr. Schondel was versatile and flexible, and he was dependable. He came to work decade after decade.

But in 1987, Mr. Schondel noticed the company was starting to ship parts to Dura Mexico. The parts were assembled in Mexico and returned to Dura Toledo to be relabeled and shipped to various customers.

After a period of time, the parts that were assembled in Mexico were shipped directly from Mexico to other customers, and during this time Dura em-

ployees took a pay cut of approximately $1.50 an hour while receiving at the same time top quality ratings from Ford Motor Corporation and also the highest rating from Chrysler for excellence in production.

Dura employees were told that the Q-1 rating would help them bring in new jobs, but instead their jobs were shipped out to Dura's plant in Mexico.

Mr. Schondel earned $10.70 per hour when he was laid off from Dura. Now his job will be performed for $1 an hour in Mexico. He was paying $40 a month for health insurance. Now that he has been laid off, he is without health insurance unless he pays $510.15 a month for the same coverage. His wife was also laid off from Dura Toledo after working there for 13 years. Now both husband and wife collect unemployment checks when they want desperately to be working.

This compelling testimony is just another example of what will happen under this NAFTA agreement. I urge my colleagues and I urge the American people to think twice about the implications of a North American Free Trade Agreement negotiated by the Bushonomics team. So far their record on jobs in the USA is abysmal.

SEXUAL TRAUMA SERVICES IN THE MILITARY—ABOUT TIME!

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, this has been a summer of painful revelations about sexual violence in the military. From Tailhook to Tomcat, the military's best kept secret—is now out in the open. Five percent of all service women have suffered some form of sexual violence—from rape to assault. This could be as many as 60,000 incidents.

Today, with the support of many of my colleagues, I am introducing two bills to stop sexual violence in the military and provide victims of sexual violence with the best care possible. The first bill expresses the sense of Congress that sexual harassment is intolerable. It says that the military must reevaluate its educational programs in order to prevent sexual violence and create protections to help sexual assault victims come forward. Furthermore, the military must devise effective investigation and punitive procedures.

The second bill, which Senator ALAN CRANSTON first introduced in the Senate, the Women Veterans Health Programs Act of 1992, enables veterans, who are victims of sexual violence in the military, to receive priority care for sexual harassment as a service-related disability and sets up a toll-free number for confidential counseling. Furthermore, the bill mandates periodic reports on sexual trauma services at the VA and incident rates throughout the services.

All summer we have been hearing a lot about sexual violence in the military. Now it is time to do something about it.

Set forth below is the summary of the bill.

WOMEN VETERANS HEALTH PROGRAMS ACT OF 1992

TITLE I. SEXUAL TRAUMA SERVICES

Permits veterans who are survivors of sexual violence in the military to receive service-related disability priority treatment for Post-Traumatic Stress Disorder (PTSD) as a result of sexual trauma.

Allows VA Medical Centers to contract out for sexual trauma services.

Creates a 24 hour toll-free number, run by the VA, for confidential counseling and information on sexual violence.

Requires the VA to provide information about sexual trauma services to personnel separating from the military.

Mandates periodic reports on sexual trauma services available at the VA, the needs of sexual violence victims, and sexual violence sensitivity training for VA staff, as well as additional reports to assess the quality of sexual trauma services at the VA.

Makes sexual trauma services available for both female and male victims.

TITLE II. HEALTH CARE FOR WOMEN VETERANS

Mandates comprehensive women's health services at VA medical centers, including care for general reproductive health, menopause and Post-Traumatic Stress Disorder.

Allows VA medical centers to contract out for additional women's health care needs.

Expands research agendas on women's health as it relates to female veterans, including general reproductive health, gender specific cancers, mental health and aging.

Grants Women Veteran Coordinators and Regional Women Veterans Coordinators and the Advisory Committee on Women Veterans access to support services and resources to better meet the needs of women veterans.

Requires periodic and detailed reports of women's health services at the VA, status of the research on the health of women veterans, and quality assessment of such programs.

AUTHORIZATION

Authorizes $1.5 million for such programs in 1993, $2 million in 1994, and $2.5 million in 1995.

PUTTING FAMILIES IN FOCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, last month at the Democratic convention, Governor Clinton said he wants an America where "family values live in our actions, not just in our speeches"; the Governor of Arkansas invited everyone to "come on down * * * come to Arkansas" to take a look at what they have done.[1]

THE CLINTON FAMILY RECORD: THE RHETORIC VERSUS THE REALITY

A close look shows that after almost 12 years as Governor with a Democrat-controlled State legislature, solidly in his court, the statistics on family well-being in Arkansas are among the worst in the Nation. Arkansas actually has one of the Nation's worst records for child death rates, teen violent death rates, percent of children in poverty, percent of minority children in poverty, and percent of children in single-parent families.[2]

According to a bipartisan study by the Anne Casey Foundation published in the "Kids Count Data Book," Arkansas ranks 45th in the Nation for the well-being of children.[3]

Since 1980, the percentage of children living in poverty rose 18 percent amounting to 27 percent of children in Arkansas living in poverty, over 7 percentage points higher than the national average.[4]

The percent of low birthweight babies was 9 percent worse in Arkansas in 1989 than in 1980. Overall, Arkansas ranks 49th out of the 50 States and the District of Columbia in this statistic on family well-being.[5]

The percentage of children living in single parent families was 35 percent worse in Arkansas by the end of the Clinton decade; ranking Arkansas 42d in this statistic.[6]

Arkansas also has a record number of teen violent deaths which is approximately 30-percent higher than the national rate and ranks 47th in the Nation in this statistic on family well-being. These figures have skyrocketed in recent years.[7]

In another national study, child abuse and neglect was shown to have increased in Arkansas by 22.7 percent between 1982 and 1987. This increase is almost 10-percent higher than the national average and of 35 States reporting child abuse and neglect data between 1982 and 1987, Arkansas had the fourth highest increase in reported abuse and neglect.[8]

Bill Clinton claims he knows how to make change happen and help families. But are these the kind of changes we want to see throughout the country? I don't think this is the kind of change that Americans want nor are these the areas in which most Americans want to be in a leading role. And when Governor Clinton was appointed as a member on the bipartisan National Commission on Children, chaired by Senator ROCKEFELLER, he never attended even one meeting in over 2 years and he was the only member who failed to vote on the final report. Is this the concern we want from a man who would lead the Nation in renewing family values?

Additionally, according to a survey of recent census data done by a group Bill Clinton is well acquainted with—the Children's Defense Fund—his wife, Hillary Clinton was a board member, of black children under 18 years of age, 52 percent live below poverty—this ranks Arkansas 47th in terms of keeping

Footnotes at end of article.

black children out of poverty.[9] Just to give you a comparison, in Washington DC, 29.1 percent of black children live in poverty and in New York, the level is 34.1 percent and the national average is 39.8 percent of black children living in poverty.[10] Obviously all of these statistics are far too high, but Arkansas consistently comes in at the bottom of the barrel.

And all of this has occurred while the number of people on Government welfare has increased twice as much in Arkansas as in the country at large.[11] More than a fourth of all residents in about half of Arkansas' 75 counties, including Pulaski County that includes Little Rock, are eligible for welfare programs and Medicaid. Mr. Dodridge Daggett, a lawyer in Arkansas who heads Lee County's Child Support Enforcement Unit states, "We've developed a society that knows nothing other than 'I live on welfare.'"[12] In Mr. Daggett's area, more then 55 percent of the population receives food stamps and other welfare benefits.[13] With these kinds of returns of Bill Clinton's investments the only kind of change families can expect from Clinton is spare change.

Is this the kind of welfare system that Mr. Clinton thinks works? U.S. News & World Report in a story on Clinton's 1989 Project Success reports that since it began in 1989: welfare rolls in Arkansas have grown by 12 percent; only 4,092 of the 26,858 families required to enroll in a job program had done so; and even though Governor Clinton has said that "welfare reform works if you implement it vigorously and apply sanctions to enforce it," officials brought an average of just 203 cases to court a month during 1991, less than 1 percent of those on AFDC.[14] And U.S. News also points out that the one modestly successful program that Clinton has taken credit for, actually was started in 1982 during the Republican administration of Gov. Frank White.[15]

In the troubling area of the high number of teenager bearing children, Bill Clinton claims to have passed initiatives to reduce teen pregnancy. The programs he has been promoting are by his own admission, controversial.[16] But what are the results? In Arkansas, the births to young girls 15 to 17 has actually been steadily increasing since 1985.[17]

And while Clinton says he is the person to develop a world class education system, the results of Clinton's educational reform put Arkansas at the bottom of the class. The Clinton administration increased administrative costs by 15 percent, despite fewer students over the past decade and the ACT scores for high school students in Arkansas actually declined.[18] In 1979, the State ranked 20th of 28 States that primarily use the ACT college entrance test; 10 years later the State fell to 25th.[19] And three out of every four high school graduates must take remedial courses as college freshmen, twice the national average.[20] While Clinton blames Arkansas' persistent low standing nationally on decreases in Federal funding, Arkansas has ranked seventh in Federal expenditures as a percentage of school revenues and between 1983 and 1992, Federal spending for Arkansas education increased 34.5 percent.[21] Even the "Almanac of American Politics" notes of Governor Clinton's reforms, "By the beginning of the 1990's, these reforms had not shown their intended effects."[22]

Public protection and safety—an important issue for children and families—has also faired poorly in Arkansas. While crime increased 11.7 percent nationally between 1980 and 1990, it exploded in Arkansas at a rate of 55.1 percent,[23] Yet Arkansas spent the second lowest amount on police protection per capital in 1988–89 according to the Department of Justice Sourcebook of Criminal Justice Statistics.[24]

And in a State where 54 percent of the Government employees are women, what kind of work and family policies for State employees has Governor Clinton put in place compared to the Reagan and Bush administration?

Arkansas State employees (Clinton) versus Federal Employees (Bush)[25]

Telecommuting No policy. Agencies allowed to pay expenses for flexiplace telecommuting initiatives.

Job sharing: No policy. Money for OPM to help Federal workers to job share.

On-site child care: No policy. Ninety-one on-site centers for Federal workers at agencies throughout the country including an onsite center at the White House.

Leave sharing: No Policy. Almost every agency has established leave sharing so seriously ill employees can receive donated leave from coworkers.

Resource and referral for child care: No policy. Agencies participate in resource and referral.

Yes, Bill Clinton has had an opportunity for more than a decade to put his vision into action in the company of an overwhelmingly democrat controlled State legislature. Unlike President Bush who has had to battle with a Congress constantly philosophically opposed to his programs, Bill Clinton has been above to work continually with a legislative body controlled by his own party. He has had the privilege of putting his vision into action and these are the results.

THE REAGAN AND BUSH ADMINISTRATIONS: REAL CHANGES FOR REAL FAMILIES

On the other hand, even in dealing with a hostile Congress—the Reagan and Bush administrations have presided over many family friendly initiatives which Bill Clinton has not even registered on his policy screen. Under Reagan and Bush family friendly initiatives such as Government sponsored telecommuting projects that allow parents or disabled workers to work from home using computers and faxes, a Federal job sharing initiative that allows, for example, two mothers to share one full-time job; a leave sharing program that allows coworkers to contribute to a leave bank so an employee who is ill or has an ill family member can draw from this bank when their sick leave runs out; and onsite child care centers in 91 Federal office buildings throughout the country that allow working parents to be closer to their children during their working hours and spend time with them during the day. And today, the White House itself now has a child-care center because of legislation that was signed into law by the Reagan-Bush administration.

Republicans in the past decade also reversed the Democrats' 30-year erosion of the dependent tax exemption.[26] That exemption was doubled under Republican leadership and I have introduced legislation to increase the dependent deduction again—legislation which has gained the support of over 260 Members of this House but it remains bottled up in the Ways and Means Committee.[27] Allowing families to keep more of their own hard-earned money is one of the simplest and best ways to empower families and allow them to function on their own. Yet those who now say they want to reinvest in people seem to be blind to any help that removes the Government as middle man. If Bill Clinton really meant what he said in New York a few weeks ago he should challenge the Congress to pass this legislation now.

And while many in this body have partisanly attacked the tax cuts of the 1980's, the facts show that millions of low-income families were removed from the tax rolls and with the dramatically increased earned income tax credit signed into law by President Bush, low-income families today get tax refunds instead of tax bills. For example, in 1980, a poor family of four with earnings of $9,833 would have had a tax of $327; today that poor family receives a rebate of $1,235 under the vastly expanded earned income tax credit.[28] Middle-class families also had their Federal tax cut. For example, if the 1980 tax laws were still in effect, a family of four earning $35,353 would be paying $3,581 more in Federal income taxes this year.[29] In my State of Virginia, the tax burden on the average family of four would be $5,938 higher with the 1980 tax laws in place.[30] and let me remind you, the Clinton-Gore ticket has vehemently attacked these kind of changes that have truly helped families.

The facts of the Reagan and Bush years also show that despite partisan misrepresentation of the Republican record of the past decade, we have vastly increased the amounts of money we are spending on programs for families

and children over the past decade and will continue to do so in the near future:

Over the next 5 years, the Federal Government will spend $82 billion on social programs that did not exist in 1980 or on expansions of old programs.[31]

During the Reagan administration, contrary to partisan misrepresentation, funding for social programs actually increased approximately 20 percent in real dollars and spending on safety net programs increased by nearly 45 percent between 1981 and 1989 while the number of people in poverty increased by less than 1 percent.[32]

Yet while we have increased spending on social welfare programs, the Congress over the past 4 years has adamantly rejected any growth measures to provide jobs—the best domestic program available for helping families and children. When we look at States where children and families are faring well, it is more likely to be in States with strong economic growth.[33] Consistently growth measures have been rejected by the leadership of this Congress and I ask them if you want to see what happens to a place that tries to tax and spend its way out of poverty while stifling growth—go back to Arkansas and you will be going back to our future. A recent newspaper headline captures the essence of the Clinton record: "Poverty, limited growth and budget emergencies."[34] This is change?

It is simply untenable that the Congress has continually rejected the President's efforts for real change that would provide real growth and real jobs for real families. Let's get real here—this Congress has rejected every major growth initiative put forward by President Bush and every major structural change to the status quo whether it be in education or in economic revitalization of our inner cities, health care reform or criminal justice reform—areas that would make a real difference in the lives of families.

Clinton boasts, "I have worked on family issues harder and longer than anyone else running for President." Given his results, this is nothing to brag about and when you consider that those who would now pose as agents of change for families have held the President's change agenda and the future of American families, hostage for the past 4 years. It is time to set the American people and American families free from this Congress. President Bush has an agenda to change the opportunities, the well-being and the future of our families. President Bush has led this country in changing the world for the better and now he is the man to change America.

FOOTNOTES

[1] Acceptance Speech of Governor Bill Clinton to the Democratic Convention, New York City, July 16, 1992.

[2] "Kids Count Data Book," The Annie E. Casey Foundation, Center for the Study of Social Policy, 1992, p. 29.

[3] Id.

[4] Id.

[5] Id.

[6] Id.

[7] Id.

[8] "The State of the State's Children," National Governor's Association, 1990, p. 50.

[9] Children's Defense Fund, "Child Poverty Up Nationally and in 33 States, July 1992.

[10] *Id.*

[11] "The Clinton Record," the Washington Times, 7/26/92, A6.

[12] *Id.*

[13] *Id.*

[14] U.S. News and World Report, April 1992

[15] Id.

[16] Speech by Governor Bill Clinton to Cleveland City Club, May 21, 1992, p.2.

[17] Arkansas Family Council, Little Rock, Arkansas, 1992.

[18] "Arkansas Rankings," Bush/Quayle 92 factsheet, August 1992.

[19] Id.

[20] Id.

[21] "Arkansas: Before and After Bill Clinton," Fact Sheet from Bush/Quale '92, July 1992.

[22] "The Almanac of American Politics 1992," Michael Barone and Grant Ujifusa, p. 57.

[23] "The Clinton Record: Poverty, limited growth and budget emergencies," the Washington Times, July 26, 1992, A1.

[24] "Arkansas after 11 years of Bill Clinton," Fact sheet from Bush/Quayle '92, July 1992.

[25] Information obtained from the Work and Family Institute, New York City.

[26] The 1986 tax bill doubled the personal exemption to $2,000. The exemption, adjusted for inflation is now $2,300 in 1992.

[27] H.R. 1227, the Tax Fairness for Families Act of 1991, has 262 cosponsors.

[28] "Do if Yourself Tax Fairness Test U.S. Individual Income Tax Return, 1980 vs. 1991," Office of Senator Phil Gramm, March 7, 1992.

[29] Id.

[30] Id.

[31] "Moving Ahead: Initiatives for Expanding Opportunity in America," House Wednesday Group, October 1991.

[32] Id.

[33] See "Kids Count Data Book."

[34] "The Clinton Record: Poverty, limited growth and budget emergencies," the Washington Times, July 26, 1992, A6.

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INTRODUCTION OF THE SHIPPING ACT OF 1992

The SPEAKER pro tempore (Mr. ENGEL). Under a previous order of the House, the gentleman from Delaware [Mr. CARPER] is recognized for 5 minutes.

Mr. CARPER. Mr. Speaker, my friend, the gentleman from Virginia [Mr. WOLF], has just gone into a litany of sins or alleged sins of Governor Clinton in Arkansas. I would also add to that that one of the legacies of the Clinton administration in Arkansas has been not to leave a mountain of debt on the young people, the next generation of that State.

The Governor has presided over 12 years of balanced budgets in his State. I wish this administration and its predecessor could say as much.

Mr. Speaker, today I rise to introduce the shipping Act of 1992, a bill to amend the Shipping Act of 1984 by providing U.S. shippers—with the ability to contract directly with U.S. carriers, and to limit the price-fixing authority of the ocean-wise conferences. This bill should help U.S. shippers, who are increasingly finding it more difficult to remain competitive within the global marketplace, and U.S. carriers, by allowing them to form partnerships in world trade with the country's shippers.

Under the 1984 Shipping Act, shippers are often severely restricted or prohibited by the ocean liner conferences from entering into contracts, and when they do enter into contracts the essential terms of the contract must be publicly disclosed. To make matters worse, the statute tends to prevent contract modifications from being made, even when both contracting parties agree to the changes. My legislation would amend the statute to allow U.S. shippers and carriers to enter into long-term contracts, without conference or Federal Maritime Commission [FMC] interference. Such contracts will put U.S. shippers and carriers on a level playing field with foreign shippers and carriers who are currently able to enter into such contracts and to use them as an advantage in marketing exports.

The Shipping Act of 1992 also limits antitrust immunity to conferences whose aggregated market share of liner capacity does not exceed 60 percent in the involved trade or route. If a conference's market share does exceed 60 percent, the conference must obtain certification from the U.S. attorney general that it is not likely to reduce transportation services or increase transportation costs. My interest in limiting the antitrust immunity stems from the so-called talking agreements between conferences and independent carriers, as well as my concern over the development of superconferences, which would include all, or almost all, of the carriers participating in a particular trade. In some trades, conferences already control more than 80 percent of the cargo, which may or may not be a bad thing for shippers, but under my legislation, it would have to be evaluated by the attorney general for its effect on transportation costs and services.

By introducing this legislation, I hope to draw attention to the 1984 Shipping Act during the debate over the administration's maritime reform initiative, which was formally introduced by Merchant Marine and Fisheries Committee chairman WALTER B. JONES on July 21, 1992. The administration's initiative was the product of the working group on maritime policy, which included heads of 17 departments and agencies. According to Transportation Secretary Andrew H. Card, Jr., chairman of the working group, its purpose was "to advise the president on what is needed to meet the requirements of national sealift capacity while sustaining a viable commercial presence." Secretary Card should be commended for his work on this initiative, for if it were enacted, I believe it would help in revitalizing the U.S. mer-

chant marine. Unfortunately, the initiative falls far short in addressing the concerns of U.S. shippers.

I expressed this concern to Secretary Card during his testimony before the Merchant Marine and Fisheries Committee on July 8, 1992, and he agreed with me, but was unwilling to advocate reforms for the Shipping Act of 1984 as part of, or along with, the administration's new maritime initiative. I have been informed, however, that the Secretary is willing to meet with me and both shipper and carrier representatives to discuss shipper concerns. after the introduction of this legislation, if I find there to be interest in such a meeting, I will try to set something up with the Secretary.

I know that this legislation will generate some concern among the U.S. carriers, but I hope that they will work with me in trying to address some of the concerns that have been raised by U.S. shippers before the committee considers maritime reform legislation. Clearly, the U.S. merchant marine is disadvantage because of government overregulation and unfair foreign government practices, and like chairman JONES said in his opening statement before the July 8 hearing, "why would any owner want a vessel under the U.S. flag?" I want to make it more attractive for shipping corporations to own U.S.-flagged vessels, and I want to improve the competitiveness of our shippers. I do not agree, however, with those that say the competitiveness of our carriers has to be sacrificed to make our shippers more competitive.

The 1992 Shipping Act was crafted with the assistance of the Alliance For Competitive Transportation [ACT], which represents a diverse membership of nearly 100,000 large, medium, and small shippers. I would like to urge all Members of the house to join me in cosponsoring this legislation, for I believe it will benefit not only U.S. shippers and carrier, but also consumers, for it will allow importers to negotiate for the best deal on the transportation of their materials and products.

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COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

AUGUST 12, 1992.

I hereby designate the Honorable Steny H. Hoyer to sign enrolled bills and joint resolutions through September 9, 1992.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

TRIBUTE TO CMDR. DANIEL A. ELLISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. MACHTLEY] is recognized for 5 minutes.

Mr. MACHTLEY. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a dedicated U.S. Navy officer and gentleman as he concludes 22 years of distinguished service to his country.

Cmdr. Daniel A. Ellison deserves this honor. We owe him a debt of gratitude for his professional and heroic contributions to our Nation. I am also proud to say that Commander Ellison is a fellow classmate from the U.S. Naval Academy, class of 1970, and a friend.

Commander Ellison's personal and professional career accomplishments read like a prototype study of the military leader this Nation has depended on to serve in both peace and war. I would like to take a moment to reflect on Dan's career before he begins another chapter in civilian life.

After graduating from the U.S. Naval Academy in 1970, this Montana-grown officer served with distinction as a naval aviator for 15 years.

His deployments as a naval aviator include service in Southwest Asia (1973), the North Arabian Sea (1984), and 3 tours in Antarctica. In addition, he was twice selected as navy helicopter pilot of the year for humanitarian rescue operations in the Sierra Nevada mountains.

Dan has served as a special assistant to the commander in chief of U.S. space command and to the Vice Chairman of the Joint Chiefs of Staff, where he assisted in policy recommendations at the very highest levels for our national security interests.

His last tour of duty has been as the senior deputy legislative assistant to the Chairman of the Joint Chiefs of Staff. During Operations Desert Shield-Desert Storm, Dan escorted many House and Senate delegations to the Middle East. He has been General Powell's principal liaison with the House and Senate Foreign Affairs/Relations and Intelligence Committees during a rather momentous time in our Nation's history.

Commander Ellison has previously been awarded the Distinguished Flying Cross, Defense Meritorious Service Medal, the Air Medal with Bronze Star, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Navy Commendation Medal, and the Navy Achievement Medal.

Mr. Speaker, it is a great honor for me to present the credentials of Dan Ellison before the House today. It is clear through his stated and unstated accomplishments for his country that he is a person who has dedicated himself to the peace and freedom we enjoy as a nation today. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience.

I ask my colleagues to join with me in delivering a sincere salute from a grateful nation and our best wishes for a happy and rewarding retirement.

We wish Dan success in his future endeavors, fair winds and following seas. I know Dan will join me in exclaiming to his fellow officers as he departs the Joint Chiefs, "Beat Army."

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992–96

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the ninth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102–69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

COMMITTEE ON THE BUDGET,
Washington, DC, August 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under House Concurrent Resolution 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to House Concurrent Resolution 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 121—REFLECTING COMPLETED ACTION AS OF AUGUST 11, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year 1992	Fiscal years 1992–96
Appropriate Level:		
Budget Authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current Level:		
Budget Authority	1,269,254	NA
Outlays	1,205,909	NA
Revenues	853,366	4,834,000
Current Level over(+)/ under(−) Appropriate Level:		
Budget Authority	−46	NA
Outlays	+4,309	NA
Revenues	+2,966	+2,000

NA=Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority that is not included in the current level estimate, and exceeds $46 million in budget authority for fiscal year 1992, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121 to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and 2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $2,966 million for fiscal year 1992, if adopted and enacted would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal year, in million of dollars]

	1992		1992–1996			
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Appropriate Level	0	0	0	3,720	3,540	4,716
Current Level	−2	−2	−1	−1	−1	(*)
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	−7	−7	0	−83	−83
Differemce	0	−7	−7	0	−83	−83
Banking, Finance and Urban Affairs:						
Appropriate Level	0	0	0	0	0	0
Current Level	28	28	0	177	177	0
Difference	+28	+28	0	+177	+177	0
District of Columbia:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Appropriate Level	0	0	56	0	0	20,153
Current Level	−305	−270	−305	−329	−339	−350
Difference	−305	−270	−249	−329	−339	−20,503
Energy and Commerce:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Foreign Affairs:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Government Operations:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Interior and Insular Affairs:						
Appropriate Level	0	0	0	0	0	0
Current Level	−2	−2	0	5	5	0
Difference	−2	−2	0	+5	+5	0
Judiciary:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	16	16	16
Difference	0	0	0	+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	(*)	0	0	(*)

DIRECT SPENDING LEGISLATION—Continued

[Fiscal year, in million of dollars]

	1992			1992–1996		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	0	0	(*)	0	0	(*)
Post Office and Civil Service:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Appropriate Level	16,353	0	0	117,799	0	0
Current Level	18,087	−33	0	112,621	−88	0
Difference	+1,729	−33	0	−5,178	−88	0
Science, Space and Technology:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Appropriate Level	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Appropriate Level	0	0	484	0	0	6,811
Current Level	−3	2	378	−4	15	2,182
Difference	−3	+2	−106	−4	+15	−4,629
Ways and Means:						
Appropriate Level	0	0	0	0	0	620
Current Level	8,016	8,016	8,986	12,835	12,835	14,295
Difference	+8,016	+8,016	+8,986	+12,835	+12,835	+13,675
Permanent Select Committee on Intelligence:						
Appropriate Level	0	0	0	0	0	0
Current Level	(*)	(*)	(*)	(*)	(*)	(*)
Difference	(*)	(*)	(*)	(*)	(*)	+1

*Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-Judiciary	21,070	20,714	21,088	20,721	18	7
Defense	270,244	275,222	262,763	272,658	−7,481	−2,564
District of Columbia	700	690	700	690	0	0
Energy & Water Development	21,875	20,770	21,870	20,718	−5	−52
Foreign Operations	15,285	13,556	14,295	13,449	−990	−107
Interior	13,102	12,050	13,077	12,186	−25	136
Labor, Health & Human Services, & Education	59,087	57,797	59,074	57,832	−13	35
Legislative	2,344	2,317	2,303	2,270	−41	−47
Military Construction	8,564	8,482	8,427	8,413	−137	−69
Rural Development, Agriculture, & Related Agencies	12,299	11,226	12,285	11,220	−14	−6
Transportation	13,765	31,800	13,752	31,798	−13	−2
Treasury-Postal Service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-Independent Agencies	63,953	61,714	63,315	61,707	−638	−7
Grand total	513,113	527,458	503,773	524,781	−9,340	−2,677

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 12, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business August 11, 1992, and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget Authority	1,269,254	1,269,300	−46
Outlays	1,205,909	1,201,600	+4,309
Revenues:			
1992	853,366	850,400	+2,966
1992 to 1996	4,834,000	4,832,000	+2,000

Since my last report, dated July 22, 1992, the President has signed the Higher Education Amendments bill (P.L. 102–325) and a bill providing for the transfer of certain naval vessels (P.L. 102–322). The Congress also cleared and the President signed a bill providing for partial restoration of highway obligational authority (P.L. 102–334). These actions changed the estimates of budget authority and outlays.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer).

PARLIAMENTARIAN STATUS REPORT—102ND CONGRESS, 2ND SESSION—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS AUGUST 11, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVISION SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation Extension (P.L. 102–244)	2,706	2,706	
American Technology Preeminence (P.L. 102–245)			(*)
Further Continuing Appropriations, 1992 (P.L. 102–266) [3]	14,178	5,724	
Extend Certain Expiring Veterans' Programs (P.L. 102–291)	(3)	(3)	
1992 Rescissions (P.L. 102–298)	(8,154)	(2,499)	
Disaster Assistance for Los Angeles and Chicago (P.L. 102–302) [4]	81	15	
Unemployment Compensation (P.L. 102–318)	980	980	
Transfer of Certain Naval Vessels (P.L. 102–322)			2
Higher Education Amendments (P.L. 102–325)	(305)	(270)	
Partial Restoration of Highway Obligational Authority (P.L. 102–334)	(427)	(33)	
Total enacted this session	9,056	6,621	2
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (P.L. 102–265)	(*)	(*)	
Total current level	1,269,254	1,205,909	853,366
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution		4,309	2,966
Under budget resolution	46		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H.Con.Res. 121).
[2] Excludes the continuing resolution enacted last session (P.L. 102–145) that expired March 31, 1992.
[3] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for P.L. 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.
[4] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for P.L. 102–302 does not include $995 million in budget authority and $537 million in outlays in emergency funding.
* Less than $500,000.
Note: Amounts in parenthesis are negative.

OUR RESOLVE TO OBTAIN FULL COMPLIANCE BY IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, as Congress departs for its 4-week summer recess, there is need to recall that the world still turns and that unfinished business remains, even as we leave. Yesterday we responded promptly to a clear need when we passed House Resolution 554, providing authorization for decisive action in the former Yugoslavia.

But we have been slower and less responsive on other matters. In the beginning of April, this gentleman and many cosponsors introduced a resolution—House Concurrent Resolution 301—to allow Congress to go on record in support of the U.N. efforts to enforce full Iraqi compliance with all cease-fire conditions, including U.N. Security Council Resolutions 687, 707, and 715.

In the 4½ months since this measure was introduced, Saddam Hussein has repeatedly breached these cease-fire conditions and flaunted his disrespect for international rule of law.

Saddam has waged a brutal campaign of extermination and repression against his own citizens. According to the State Department, military force—including the use of prohibited fixed-wing aircraft—has been used against Kurds in the north and Shiites in the south; entire Iraqi villages have been wiped out. The contingent of U.N. guards, who have the unenviable task of trying to prevent such attacks, has been rapidly depleted due to Saddam's refusal to grant visas for replacement guards. In addition, many of those who are in country are apparently confined to their camps, prevented from doing their jobs.

Thousands of people are dying—these are human rights abuses in their most extreme form. And that is not all; the United States, and the international coalition which defeated Saddam swiftly and soundly in war, is in danger of losing the peace. Although the media only covers Iraq's breach of U.N. resolutions when there is a flareup, such as the recent standoff at the Ministry of Agriculture, Saddam's noncompliance has been deliberate and extended and intentionally provocative.

Resolution 687 requires Baghdad to respect the inviolability of its border with Kuwait, as demarcated by the United Nations on the basis of the 1963 border agreement. While claiming to follow the resolution, Saddam refuses to accept the U.N. Border Commission's work. Indeed, Iraq continues to lay claim to Kuwait, and we are again hearing statements such as: "Iraq has been convinced, ever since its independence, that Kuwait is part of it," and that to "return it to the mother homeland" is the cause "of an entire nation." This claim was made by Iraq's Ambassador to the United Nations on July 5, 1992." deja vu all over again, as Mr. Berra used to say.

Resolution 687 further requires that Iraq declare, destroy, remove, or render harmless under U.N. supervision, and prohibits the development, construction, or acquisition of the following: Chemical, biological, and nuclear weapons, and long-range ballistic missiles.

Instead, Iraq has hindered all U.N. efforts to accurately inspect and account for these weapons. Some examples:

They have deliberately strewn hazardous materials and unexploded munitions at chemical weapons inspection sites.

They destroyed undamaged buildings at their primary biological weapons plant, spreading large quantities of dirt over the rubble to prevent accurate sampling.

The Iraqi Army continues to obstruct investigation into its surviving Scud missiles and the Iraqi missile project.

And after months and months of inquiry, Iraq's Clandestine Nuclear Program still remains a puzzle with many of the pieces missing.

Additional breaches of Resolution 687, with regard to return to stolen Kuwaiti property, Red Cross access to prisoners from the gulf war, and support of international terrorism have been documented by the State Department.

Yesterday the U.N. Security Council met to hear testimony about Saddam's human rights abuses, and it seems there is a persuasive case that some form of intervention may be needed to stop these atrocities.

Mr. Speaker, the President and the United Nations have been firm in their efforts to enforce the cease-fire agreements as embodied by the Security Council Resolutions. I am disappointed that we in the U.S. Congress have failed to act in concert with our President and the United Nations on this

issue. We had the chance to go on record to reaffirm our support of timely and necessary action by the United Nations to prevent Iraq's rogue government from further abuses, and we have yet taken it.

It is my fervent hope that the situation will change; that Iraq will pay up its war debt; will pay damages for the savagery it visited on people and the environment by torching the oil wells; that no additional force will be needed before Iraq complies with its obligations. But history makes me doubt that Saddam will have a sudden change of heart.

I urge leadership to take up this matter as soon as we reconvene in September, so the voice of Congress will be heard and that voice will strengthen and resolve of the United Nations to obtain full compliance by Iraq to the resolutions. We've got enough trouble in the world—we don't need any more from Saddam.

TIME TO GET RESTITUTION FROM FINANCIAL INSTITUTION CROOKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, this morning, the Financial Institutions Subcommittee favorably reported H.R. 5538, the Financial Institutions Restitution Collection Improvement Act of 1992. This bill will improve the collection of restitution from convicted financial institution crooks.

Also this morning, Public Citizen, the public interest group founded by Ralph Nader, sent me a strong letter in support of the bill. The letter points out that the bill closes a number of loopholes that crooks use to avoid paying court-ordered restitution. Public Citizen praises the bill, saying it "will improve the Government's recovery of money looted by S&L crooks at the taxpayer's expense."

The bill has been referred to the Judiciary Committee, as well as the Banking Committee. I understand that some members of that committee have expressed reservations that the bill is to aggressive in requiring that financial institution crooks must pay restitution without regard to their ability to repay at the time of sentencing. The taxpayers have been required to pay over $200 billion to clean up the bank and savings and loan messes. Nobody has asked the taxpayers whether they can afford to pay or not. Let's not ask the crooks who have squandered billions of dollars whether they can afford to pay. Let's order them to pay and then squeeze it out of them.

Concern has also been raised about the provisions of the bill which allow the Attorney General to attach the assets of persons before they are indicted. This provision is intended to prevent the crooks from hiding or transferring their assets prior to their conviction. This provision is absolutely necessary if we are to improve on the depressingly low recovery rate of, at best, five percent of the amount of restitution ordered.

The letter from Public Citizen sets forth a number of the other beneficial provisions of H.R. 5538. The act makes restitution due in full immediately. Restitution orders remain effective until completely paid. Liens are placed on all the property of convicted financial institution crooks. I ask that the entire text of the letter be printed in the RECORD.

I hope that the Judiciary Committee will take note of the unanimous vote of the Financial Institutions Subcommittee and the voice of Public Citizen. Both cry out for a strong restitution collection bill like H.R. 5538. I strongly urge my colleagues in the Judiciary Committee to move it to the floor as quickly as possible.

PUBLIC CITIZEN,
Washington, DC, August 12, 1992.

DEAR SUBCOMMITTEE MEMBER: We are writing today to urge you to support H.R. 5538, the Financial Institution Restitution Collection Improvement Act. Introduced by Reps. Frank Annuzio and Chalmers Wylie, this bipartisan proposal will improve the government's recovery of money looted by S&L crooks at the taxpayer's expense.

Currently, federal authorities are doing a poor job collecting court-ordered fines and restitution from convicted S&L felons. A study written by the staff of the Subcommittee on Financial Institution Supervision found that 19 S&L looters had paid on average one cent on the dollar of their restitution. Furthermore, under the present guidelines, judges can allow restitution to be recovered after jail sentences are served, allowing criminals to hide or transfer their assets out of the government's reach. Additionally, court-ordered fines are currently based on the defendant's ability to pay, unlike civil cases, which do not take that into account. These and other problems have hindered the administration's ability to make collections, making the thrift rescue effort more costly for taxpayers.

H.R. 5538 goes a long way towards alleviating these problems. By making restitution due in full at the time of sentencing and in perpetuity, the bill will give the administration greater ability to locate and collect restitution earlier and for an indefinite time. The measure bases restitution on the loss due to fraud, and not the defendant's ability to pay, whose income is often low during prison terms. It also puts liens on all property that was looted from the S&L coffers, so the criminals cannot move or hide these assets. Lastly, the bill authorizes private citizens to pursue S&L criminals on behalf of the federal government. This Qui Tam "bounty hunter" provision can help to collect more court-ordered fines than overburdened federal prosecutors could alone.

We strongly urge you to pass H.R. 5538 and oppose all weakening amendments so the federal government can maximize its efforts to punish S&L criminals and limit thrift bailout costs to taxpayers.

Sincerely,

PATRICK WOODALL,
Research Associate.
SUSANNAH GOODMAN,
Policy Analyst.

IN MEMORY OF WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I just want to elaborate on what I said in a 1-minute speech at the end of the session to help the young people in our country, and also a lot of adults across our 50 States and our territories, from the beautiful island of Guam which has been thinking about its plight 50 years ago, the first American territory occupied in World War II, and its liberation at great cost of American life 3 years later in 1945, early 1945; but from Guam to Puerto Rico, the Virgin Islands and all the American States, I want to emphasize again this memorial period of World War II.

As we move from event to event, the 50th anniversary of Pearl Harbor, which I was fortunate enough to be at last December with President George Bush on the memorial that straddles the deck of the sunken U.S.S. *Arizona*, and then through the commemorative that no Members, I believe, or Senators were able to attend in Australia to commemorate the great Battle of the Coral Sea; before that, the fall of Bataan on April 9, 1942; the anniversary of the fall of Corregidor on May 6; and then the great memorial ceremony at Hawaii, again for the battle fought off the island of Midway. Midway is an island in that Hawaiian chain, the furthest inhabited island in that chain, way off in the northeast.

□ 1740

The battle at sea at Midway which came to its American victorious climax on June 4, 50 years ago where we sank all four of the major Japanese carriers, four of the six that had bombed so treacherously Pearl Harbor just some few months before.

We now come down to the 50th anniversary of everything that took place in mid- and late-1942. In the European Theater, this coming November, just 5 days after the Presidential election, will be the 50th anniversary of Operation Torch, the landing of American troops in Algiers and Morocco, beginning our physical assistance with manpower instead of just defense goods of the British attempt to keep Rommel's Afrika Corps from taking all of North Afrika, up to and including his goal of taking Cairo, and then linking up with the German Forces with their dances through Iraq where they had Luftwaffe squadrons to encircle the whole Middle East, and eventually reach the Soviet oilfields at Baku on the Caspian. And I hope, with a little luck, that I will get to be there on the North Africa coast in Morocco and Algiers to celebate that 50th anniversary of the fight back in North Africa.

But I wanted to emphasize again the battle that began on August 7, 1942, 50 years ago last Friday, and that raged longer than any conflict in all American history, and that is the battle of Guadalcanal. Most people innocently mispronounce it and leave out that extra "1" in there. Guadalcanal. I had the opportunity with the gentleman from New York [Mr. SOLARZ], on the

majority side to visit the battlefield 3 years ago. We walked Bloody Ridge, walked the now-deserted Henderson Field, looked at the old broken-down tower that was put up later in the war, looked at where the foundations were for the operations hut that was called a pagoda, that was bombed regularly, every day, sometimes two or three times a day for months.

But from August 7, 1942 to February 9 when the last Japanese troops were unfortunately spirited off the island at Cape Esperance, or Submarine Point, that 6-month battle saw more or as much hand-to-hand combat as any struggle during the entire Second World War for Americans.

In reading each night the diaries in six of the wonderful books published on this battle, reading about young marines, enlisted men, 17, 18, 19 years of age who thought in the end they might lose, reading about what they lovingly called the Cactus Air Force, which sometimes was down to 9, 10, or only 11 planes holding off the might of the Japanese naval air fleet forces coming out of their harbor that they had captured months before at Rabaul, the island of New Georgia where they flew in seaplanes and Betty Bombers from. We lost more American capital ships in a naval conflict 50 years ago on August 9 in the Battle of Savo Island, a small island off the northwest tip of Guadalcanal. That naval battle indicated to the marines on shore, 17,000 of them in a small area, that they probably were going to be overrun in the next few days.

Admiral Yamamoto was running this operation himself, and he kept calling his army forces on the island, deep inside the jungle that he was resupplying the several hundred troops every night, because they owned the seas at night with the destroyer transports, and the landing barges coming down from northern islands in that Solomon chain, coming down the slot made famous by the accident where President-to-be John F. Kennedy's PT boat 109 was cut in half by a Japanese destroyer later. These young marines thought that they probably were going to lose a larger battle than Bataan, and yet they held out, with meager rations at first, and fought, and fought month after month until the battle tide began to turn.

The Japanese experienced fighter pilots who had 6, 7 months combat, some more than that from the Chinese occupation and the invasion campaign of the imperial warloads that was already 5 or 6 years old, our young fighter pilots flying in inferior Grumman, Long Island, NY-built F-4F Wildcat fighters, slower and less maneuverable than the famous Japanese Zero fighter, these young Americans began to turn the tide.

One case sticks in my mind, a young American named Robert Hansen. He shot down 5 airplanes, then 10, then 15, then 20, and then 25. He became a quadruple ace in less than 30 days, and then lost his life in aerial combat. And his parents were informed that your son has given his life for his country, is a quadruple ace, and a posthumous holder of the Medal of Honor. All of this was told to them at once.

We had other great aces like a constituent of mine, Captain Walsh, Kenneth Walsh, Ed Marion, and a great young marine fighter pilot, and of course the later Governor of South Dakota, Medal of Honor winner, Joe Foss, who was the first ace that I began to track in that war when I was only 9 years of age.

There was a Hollywood movie made, and it fired up America. That and another film called Wake Island, and then "30 Seconds Over Tokyo" began to let us know that we could win that war.

In closing, Mr. Speaker, I just want to say that during this break I hope some of my colleagues read up on that great battle, 6-month battle of 50 years ago, Guadalcanal.

Mr. Speaker, I include for the RECORD from the Navy Times a short account of that hard-fought victory, as follows:

GUADALCANAL: A HARD-FOUGHT VICTORY

(By Mark D. Faram)

WASHINGTON.—On Aug. 7, 1942, the Marines hit the beach at Guadalcanal.

The invasion marked the first time American ground forces took the offensive against the Japanese in World War II. Six months and 7,100 American lives later, the U.S. was victorious. The cost to Japan was high: 30,343 troops died, mostly to disease and starvation—only 20 percent were killed in combat.

Second Lt. Herbert Christian Merillat, then a 27-year-old public affairs officer, was with the 1st Marine Division when they landed. His eyewitness report, which was released by the Navy beginning on Aug. 30, 1942, was one of the first accounts of the war read by Americans back home.

THE LANDING: AUG. 7-8

Though there was no enemy resistance, the Marines were on edge when they landed Aug. 7. The 2,200 Japanese on the island fled to the mountains that dominate the middle of Guadalcanal. On Aug. 8, Merillat wrote in his diary, "There was rifle firing all night as Marines shot at each other, shadows, cows and coconuts, but I haven't yet heard of any skirmish with Japs."

Maj. Gen. Alexander Vandegrift, the division commander, told Merillat "I'm beginning to doubt whether there's a Jap on the whole dammed island."

But 20 miles over the water on the islands of Tulagi and Gavutu, the situation was different.

Gavutu was a seaplane base for Japan and Tulagi was a support base. American air and sea attacks destroyed all their aircraft on Aug. 7. But Japanese troops were dug in on the islands—and most would commit suicide rather than suffer the disgrace of capture.

It took three days to secure Tulagi and Gavutu at a cost of 122 American lives. The Japanese lost 800 soldiers.

On Guadalcanal, the Japanese had been building an airfield. By nightfall on the Aug. 8 the Marines had taken control of the airfield and began construction to complete it.

SAVO ISLAND: AUG. 8-9

"I will never forget last night," Merillat wrote in his diary. He described watching from shore the naval battle of Savo Island. It wasn't until later that the full news was known: The Navy suffered its worst defeat in history. Six ships were lost and 1,077 sailors and Marines were killed.

The Japanese did not take advantage of the victory. Afraid of greater losses, the U.S. Navy withdrew all its ships the next day. The Marines on the island were all alone.

COUNTERATTACK: AUG. 21

It took weeks for Japan to launch its counterattack.

With temporary command of the seas, the Japanese landed 900 troops at Taivu under the command of Col. Kiyoano Ichiki.

It took three days to move into position and attack the Marines from the east at the Tenaru River. But the Japanese were quickly turned back and wiped out. Col. Ichiki committed hara-kiri.

Merillat visited the battlefield the next day. "Jap bodies—torn, crushed, burned—lay near the mouth of the Tenaru. They had been neatly enveloped and didn't have a chance to escape," he wrote.

As the Marines dug in, the first combat aircraft landed at Henderson Field—they now had air support.

Meanwhile, Japan was landing reinforcements at night at Taivu to the East. On Sept. 7, a Marine amphibious raid at Taivu destroyed much of Japan's supplies and equipment and gathered intelligence information of a pending attack.

BLOODY RIDGE

"There's something in the air tonight," Merillat wrote on Sept. 10. "Several thousand Japs were spotted by native scouts 6 or 8 miles east of here. They may attack tonight."

He was off by two days.

On Sept. 12, Gen. Kiyotaki Kawaguchi attacked the Marines from the South, trying to recapture Henderson Field.

The night attack came along the top of the ridge. Though they knew it was coming, the Marines struggled. For two nights, the Japanese mounted attack after attack on the ridge. One attack did break through the lines, but the success did not last long.

Kawaguchi's army lost 600 lives at Bloody Ridge. He had brought only enough food for a couple of days, hoping to live off captured American supplies. Exhausted and hungry, his troops withdrew.

By Sept. 27, Vandegrift had 23,000 troops on the island. The battle now became on of attrition. the army that could resupply the fastest would win.

FINAL VICTORY

The waiting between actions took its toll. On Oct. 13 and 15, the Japanese shelled Henderson Field. "It was one of the worst times on the island," Merillat later wrote. "We were lightly dug in and the bombardment really shook everyone up.

Japanese Gen. Harukichi Hyakutake moved his 17th Army to Guadalcanal and attacked American positions on Oct. 24 with tanks and infantry across the Matanikau River.

On Oct. 25, a full 24 hours of fighting pushed the Japanese back across the river A day later, the Japanese again attacked Henderson Field from the South over Bloody Ridge. Again, they were turned back.

Japan was planning an offensive for mid-January and throughout October attempted to reinforce their troops.

On Nov. 12 and 13, the Americans lost the first battle of Guadalcanal. The second bat-

tle the next two days saw the Japanese bombard the Marines again. "Compared to the performance of a month ago, it was a half-hearted effort," Merillat wrote in his diary.

American planes destroyed a large convoy of Japanese troops and supply ships bound for Guadalcanal on the morning of the 14th. This was the last major attempt by the Japanese to reinforce the island.

The Japanese on the island were starving. Merillat's diary entry from Nov. 15 tells it all. "We get daily evidence that the Jap forces are badly demoralized: Living in the jungle on short rations; decimated several times over during their assaults on us; subjected to day-long air attacks; they must be in pretty bad shape."

Captured enemy diaries told of uncertainty and despair. "Where are our friendly aircraft?" wrote a Japanese soldier. "Where is the might of the Imperial Navy? Have they forgotten us?"

Merillat noted that these were familiar words. Four months earlier, after the defeat of Savo Island, the U.S. Navy had sped off leaving the Marines with no air cover or supplies.

U.S. ARMY

Some Army units started arriving in October. In December, Vandegrift's tired and diseased 1st Marine Division was relieved by the U.S. XIV Corps. This consisted of the 2nd, 23rd and 25th Army divisions, commanded by Gen. Alexander Patch.

Patch's offensives led the Japanese to order an evacuation of the island. As the Americans closed in on Cape Esperance, the Japanese were loading their troops onto destroyers. In the end, the Japanese evacuated around 11,000 men.

COAST GUARD ASSIST

Of the 23 transports and destroyer transports in Task Force Tare, which landed the Marines at Guadalcanal, all but four had Coast Guardsmen aboard. The Coast Guard also helped evacuate Marines amid intense enemy attack. On Sept. 27, 1942, Signalman First Class Douglas A. Munro was awarded the Congressional Medal of Honor (posthumously) for his work while evacuating Marines. Munro was the only guardsman in World War II to win the medal.

AFTERMATH

Vandegrift went on to become the commandant of the Marine Corps. He retired in 1947 and died in 1972. Merillat went on to serve at Okinawa and has written two books on Guadalcanal. He lives in Washington, D.C.

Two ceremonies are being planned to commemorate the victory. The 1st Marine Division reunion had a wreath-laying ceremony at the Iwo Jima Memorial on Aug. 7 and a parade was to be held later that evening in Washington.

And on Guadalcanal, many veterans are gathering to dedicate a memorial.

WHAT CONGRESS AND THE PRESIDENT CAN DO TO ALLEVIATE POVERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, before I begin my remarks I would like to wish all of my colleagues a very happy summer. We are ending our work at the end of today for the next few weeks to reassemble here after Labor Day to begin what will be a very hectic last windup for the 102d Congress. So I hope all my colleagues have a very restful period for the next few weeks.

Mr. Speaker, normally I take the well to extol the beauties and the benefits and the outstanding accomplishments of my hometown, the city of Louisville, KY.

And I remain as proud of that city as any person is proud of his or her hometown. But the data released today by the children's defense fund based on 1989 figures as well as the decade of the 1980's obviously illustrates a disturbing side of my hometown and all of the towns, not just the large cities of America, but the small ones as well, and not just urban areas like mine, but rural and suburban areas as well. But the data released by the CDF today indicates that poverty in the city of Louisville is the 24th highest among the 200 largest cities in America. In 1989 that particular figure was 35.4 percent.

Louisville is the 18th worst in the percentage of poverty among children under 6, hovering around 40 percent. And, the poverty figures cited by CDF translates into an income of $13,000 per year for a family of four.

Probably most startling and most dismaying is that roughly 56 percent of the black children in our community live in poverty. Overall national rates of poverty in the past 10 years in the 100 largest cities of America has gone from 24.8 percent to 28 percent.

□ 1750

Statistics can get a little bit numbing, but I think those few illustrate that the problem of poverty in all cities of America is growing, not lessening.

So what should we do? Bewail our fate, moan, and groan, wring our hands and do nothing?

Well, obviously, that is not an adequate response. We have to do something. So I would make some respectful suggestions to our body, the Congress of this country, as well as to the Chief Executive of this Nation, the President, of things that can be done, actions that can be taken that would help to alleviate this problem.

I hope that the President will sign the bill which this body passed this week, the Family Preservation and Childhood Hunger Act, the last part of it named after our former colleague, now deceased, Mickey Leland of Houston, TX. This would do two things mainly: Keep American families intact and change the food stamp and nutrition laws to make the delivery of nutrition more efficient to our young children. This would help to overcome the one of many problems of poverty.

The President could sign the Child Support Enforcement Act, which requires parents against whom a court order has been levied for child support, to make those payments and not to skip town.

The President vetoed recently, and has threatened to veto again, the Family and Medical Leave Act which gives a recognition to the reality of the American workplace: more women are working, and more women with children are working. This bill would give them a better opportunity to earn a living and then rise out of poverty and take with them their children.

We could fully fund the Head Start Program, which is one of the few programs that really always earns kudos for its accomplishments.

We could fully fund the WIC Program, Women, Infants, and Children Nutrition Program, and get the children off to a fast start nutritionally, and they have got a better chance to learn and, therefore, later a better chance to earn a living.

We began the process with the passage of the act for better children, the ABC bill, 2 years ago, to give us better opportunity for day care to once again free women and working couples to work and raise themselves up economically.

Mr. Speaker, certainly we have to create jobs. The Job Training Partnership Act, which has a youth training component, was adopted by this Congress. That should be fully funded.

There is a public works program under the bill that we passed last year for transportation programs, the so-called infrastructure. That should be fully funded and implemented.

Mr. Speaker, just today the President announced completion of the treaty, what we call the North American Free-Trade Agreement, the treaty with Canada and Mexico.

We certainly look forward to the idea of free trade in North America. But it is disconcerting to note the cover story in the current Fortune magazine which suggests that many of the jobs being created in America are the low-pay, low-skill, low-benefit jobs which really do not allow a person to work his or her way out of poverty. These low-wage jobs have contributed to a new trend in America, a group of citizens who can be described as the working poor.

So let me sum up, Mr. Speaker, by saying that while this information from the children's defense fund is dismaying, it is not an unalloyed torment. There are certain glimmerings of hope. Maybe this will focus our attention on legislative action that can be taken to help people help themselves, to help raise themselves out of poverty with governmental assistance to help get this whole process started.

Mr. Speaker, in the last analysis, we have few things we can do of more meaning to the young children of America who are most caught in this poverty trap than to give them and their parents a chance to have a better tomorrow. That is what this Congress and this country should devote its energies and will power and spiritual strength to for the next several years.

THE TRADE WORKER ADJUSTMENT ASSISTANCE ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, [Mr. PEASE], is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I would like to announce my introduction of the Trade Worker Adjustment Assistance Act of 1992. This bill would amend the Trade Adjustment Assistance [TAA] Program, which is mandated under section II of the Trade Act of 1974. By amending this existing program, my bill would engender a more comprehensive and effective plan for assisting workers who are dislocated from their jobs or threatened with dislocation because of trade or the movement of capital investment abroad.

What, one might ask, prompted my decision to design this revised program for adjusting dislocated workers? Well, where do I start.

First, the Bush administration has completed negotiations on a North American Free Trade Agreement [NAFTA] deal with the Mexican and Canadian Governments. Apropos of this agreement, recall that Mr. Bush, in his May 1, 1991 action plan letter to Chairmen ROSTENKOWSKI and BENTSEN, made a commitment to an adequate adjustment assistance program for workers dislocated by the NAFTA.

Furthermore, just this morning, in announcing completion of the NAFTA talks, the President stated, "In a changing world, we must give our workers the education and skills they need to compete, and assistance and training to find good jobs." The bill I am introducing today takes President Bush at his word. It provides a blueprint for worker adjustment assistance.

Second, the Ways and Means Trade Subcommittee held a hearing just about 1 year ago on the efficacy of existing, federally mandated worker adjustment assistance programs in the United States. These include TAA and the programs authorized in title III of the Job Training Partnership Act [JTPA].

At this hearing, members heard testimony from those who administer these programs at the State level. Witness after witness identified a number of inadequacies in both the TAA and JTPA programs. Witnesses also outlined the specific aspects of these programs that had proven effective in practice.

In digesting the testimony at this hearing, it became apparent to me that there was a need for a new animal in the world of trade adjustment assistance policy; that is, for some sort of a hybrid, which could combine the best elements of existing programs and omit those aspects of TAA and JTPA that has proven problematic or unworkable in practice.

In creating my program, I have done just this. I have used the soundest aspects of TAA as the basis for my program and incorporated the best elements of JTPA programs as well. Additionally, I have borrowed heavily from other countries' programs for adjusting unemployed workers. Specifically, I have utilized a great deal from the German model on worker adjustment assistance, since Germany has demonstrated an uncanny knack for maintaining a highly and engaged work force.

Third in my list of reasons for creating a new worker adjustment assistance program is my strong belief that the U.S. Government has never done enough in the way of adjustment assistance for American workers. I am speaking of the lack of adequate policy means for helping workers who are unemployed and who desperately need to develop the skills and qualifications that are key to occupational longevity, that is, the ability to keep a job or to get another, if one loses one's job. Experts note that the United States provides the lowest worker adjustment assistance benefits package for the shortest period among the major industrialized countries.

Public expenditures on unemployment insurance in the United States are approximately one-third of those in the United Kingdom and one-quarter of those in Canada, France, and Germany. In the United States, Federal Government expenditures for training amount to about one-third of 1 percent of gross domestic product and are significantly smaller than expenditures in Canada, France, Germany, and the United Kingdom. We allocate approximately $1,800 per participant on training for unemployed workers. This is one-fourth of what Germany spends.

In sum, let me say that the Trade Worker Adjustment Assistance Act of 1992, if signed into law, would respond to the tremendous need for policy reform in the area of trade worker adjustment assistance. The impetus for such reform at this time can be described as threefold. First, there is the timing of the NAFTA; second, the Ways and Means Trade Subcommittee's public and systematic analysis of current programs' weaknesses; and finally, the gnawing knowledge that the American work force has become increasingly ill-prepared for competition with labor in other countries, against which the United States competes for global market share.

Having described why I drafted the Trade Worker Adjustment Assistance Act, let me now outline the substance of the program this bill would create.

First, I will focus on eligibility. My program would offer benefits to workers who are separated from their employment or are threatened with separation as a result of competing imports; and the movement of plants abroad. Those familiar with the TAA eligibility requirements will note the addition of this second criterion. With agreements like the NAFTA, the majority of the negative employment effects will come from investment shifts. I therefore feel it necessary to cover not only workers who lose their jobs because of imports, as does the TAA Program, but also those who are dislocated as a result of plant movement abroad.

In addition to encompassing workers in primarily affected enterprises, my program would render eligible workers in supplier plants, that is, in cases in which the main plant and therefore the supplier plant are adversely affected by imports or capital investment movement out of the country. In other words, the so-called secondarily affected workers would be included in the pool of workers eligible for my program.

Second, I will focus on the benefits workers would receive. The Trade Worker Adjustment Assistance Act would provide generous levels of income support as well as training and job search assistance for a maximum duration of 156 weeks, or 3 years.

Income support levels would be based on the dislocated worker's previous pay. The maximum level would be 68 percent before the inclusion of part-time wages and 85 percent with the inclusion of part-time wages. Duration of income supports would depend on the worker's previous employment history up to the maximum of 3 years.

Training opportunities would include technical, vocational, undergraduate, graduate, professional, and post-graduate programs.

For the worker who loses his or her job and becomes reemployed in a lower-paying full-time position, my program would provide a wage supplement. This supplement would bring the beneficiary worker's income up to 85 percent of previous wage for a maximum, again, of 3 years.

Finally, my program would allow for job search and relocation allowances to offset out-of-pocket expenses incurred by workers engaged in the job search or relocation processes.

In closing, let me reiterate that now is the time for reform of our trade worker adjustment assistance regime. The world is becoming more competitive each day, and we cannot afford to squander what could be our most valuable resource in the fight for global commercial parity. This resource? Workers. The men and women of Ohio, Michigan, California, Florida, Washington, and Connecticut—of the Midwest, the West, the Southeast, the Pacific Northwest, and the Northeast. Men and women who today have little to do but await the arrival of an unemployment check. We need to give these good and productive people something more to look forward to each day. We need to give them a future. My bill holds the promise of this future.

Mr. Speaker, what follows is a detailed outline of my legislation:

FACTSHEET, TRADE WORKER ADJUSTMENT ASSISTANCE ACT OF 1992

ABSTRACT

This bill would amend the Trade Adjustment Assistance program, which is mandated under Title II of the Trade Act of 1974. If signed into law, the Trade Worker Adjustment Assistance Act would create a more comprehensive and effective program for assisting workers who are separated or threatened with separation from employment because of trade or because of the movement of capital investment abroad.

PROGRAM DESCRIPTION

Who is eligible?

Workers who have been separated or threatened with separation because of competing imports.

Workers who have been separated or threatened with separation because of relocation of production facilities abroad.

Workers in supplier plants who have been separated or threatened with separation because of competing imports or relocation of production facilities abroad, i.e., secondarily affected workers.

NOTE.—Workers who meet any one of the above three criteria must also have been employed for at least 52 weeks out of the 156 prior to separation from employment with at least ten weeks of this 52 falling within the 52 just prior to separation.

Income support

What sort of benefits does the eligible worker receive?

Provided to cover the workers' personal and household living expenses during the job search and/or training period.

Level based on percentage of previous wage and tied to whether and when the worker enters into training; if worker enters training during the first 26 weeks immediately following separation, level set at 68 percent of previous wage; if worker does not enter training during the first 26 weeks immediately following separation, level set at 68 percent for weeks 1–52, 58 percent of weeks 53–104, and 48 percent for weeks 105–156.

When worker is receiving unemployment (UI) benefits, Income Support payment equals the applicable percentage of previous wage minus UI.

When worker is no longer receiving unemployment (UI) benefits, Income Support payment equals the entire applicable percentage of previous wage.

The maximum previous wage against which applicable percentages could be applied is $30,000.

Part-time wages do not affect Income Support level unless such wages result in the worker's income exceeding 75 percent of previous wage if he or she is not in training or 85 percent if he or she is in training.

Benefit duration is minimum of 39 weeks and maximum of 156 weeks based on worker's employment history, but may be extended by 26 weeks if worker applies for training within the 26 weeks immediately following separation and needs extra benefits to complete training program.

Available to workers not employed and employed part time.

Not available to workers employed full time, workers receiving Wage Supplement, or workers engaged in on-the-job training.

Wage supplement

Provided to supplement the income of the worker who has been reemployed on a full-time basis in a job paying wages that are lower than his or her previous wage.

Wage Supplement payment equals 85 percent of worker's previous wage minus the worker's current full-time wage.

The maximum previous wage against which applicable percentages could be applied is $30,000.

Benefit duration is maximum of 156 weeks.

Not available to workers employed part time or workers receiving Income Support.

Training

Provided to assist the worker in becoming qualified for a position requiring technical or professional skills, which he or she does not have at the time of separation and which will enable him or her to procure suitable employment.

Allowed training programs include technical, vocational, undergraduate, graduate, professional, and post-graduate programs.

On-the-job and remedial training programs also permitted.

Benefit duration is maximum of 156 weeks, but may be extended 26 weeks if worker applies for training within the 26 weeks immediately following separation and needs extra benefits to complete training program.

Available to workers not employed, employed part time, and employed full time.

Available to workers receiving Income Support or Wage Supplement.

Employment services

Provided to help the worker secure full- or part-time suitable employment.

Include counseling, testing, placement, and support services.

Benefit duration is maximum of 156 weeks.

Available to workers not employed or underemployed.

Available to workers receiving Income Support.

Relocation allowances

Provided to reimburse the worker for expenses incurred during relocation for purposes of securing suitable employment.

Relocation Allowances equal 90 percent of reasonable and necessary relocation expenses and a lump-sum payment equal to two-weeks worth of previous pay.

Maximum of $4,000, including both the 90 percent of expenses and the lump-sum payment.

No particular benefit duration.

Job search allowances

Provided to reimburse the worker for expenses incurred during his or her job search.

Job Search Allowances equal 90 percent of necessary job search expenses.

Maximum of $800.

No particular benefit duration.

What is the cost of this program?

CBO cost estimate pending.

NOTE.—Program benefits are an entitlement for workers.

How is this program financed?

Not specified in bill, but Congressman Pease has in mind the following: Border adjustment fee on goods traded among the three signatories to the NAFTA.

NOTE.—Implementation of this fee will require negotiations among the U.S., Canadian, and Mexican governments.

SPOKANE: CITY OF STARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. FOLEY] is recognized for 60 minutes.

Mr. FOLEY. Mr. Speaker, three of America's most prominent athletes grew up and first honed their playing skills in my native city of Spokane, WA. All three were featured in an article by Steve Rushin in the recent July 27, 1992 Sports Illustrated which I commend to the attention of my colleagues.

Mark Rypien, quarterback of the world champion Washington Redskins, John Stockton, all-pro guard of the Utah Jazz, and Ryne Sandberg, nine-time all-star second baseman of the Chicago Cubs, lived 5 miles apart in my hometown and graduated from high school within 4 years of each other.

Mark Rypien received his diploma from Shadle Park High School in 1981, John Stockton graduated from Gonzaga Prep in 1980, and Ryne Sandberg earned his diploma from North Central High School in 1978.

Sports trivia buffs would be interested to know that Mark Rypien and John Stockton played basketball against each other in high school.

Indeed, 14 years before America's sportswriters selected Mark Rypien as the most valuable player in the Super Bowl game last January, he was both a football and baseball MVP at Shadle Park High. Moreover, he was a two-time basketball MVP at the Washington State high school basketball finals held in the Seattle Coliseum.

I am especially pleased that these three sports superstars have maintained close ties to the city that nurtured them. Even today, John Stockton makes his home next door to the house he grew up in where he used to practice basketball in the driveway. Mark Rypien loves Spokane and returns frequently, regardless of whether he spent the previous season with the Redskins on injured reserve or was the MVP of the Super Bowl. Ryne Sandberg has similarly maintained ties to the city of Spokane.

The July 27 issue of Sports Illustrated features an article entitled "City of Stars" which describes the athletic development of these superstars and their links with my hometown.

CITY OF STARS

(By Steve Rushin)

If America were an American flag, then all of its stars would belong here, in the upper lefthand corner of the country. The state of Washington would be a field of blue, and the city of Spokane might aptly be described as star-spangled. Star-spangled Spokane.

Three boys, separated by four years and five miles, were raised to greatness in this city of 177,000 residents near the Idaho border. Three boys put Spokane on the map, metaphorically, late in the 20th century, much as the Northern Pacific Railroad did, for real, late in the 19th. Three boys, their lives intersecting like tracks in a railroad switching yard before parting—one to the East, one to the West, one to the nation's heartland.

The three boys are now three famous athletes. The three famous athletes raced to prominence from a staggered start, so now they find themselves three different distances into their careers, wearing three different shades of fame.

Five miles, four years, three boys. They are three stars shaken loose from the upper lefthand corner of the country. Shaken loose from Spokane, but never really shaken free. . . .

In northwest Spokane, darkness falls on a backyard barbecue. Whether the fall of darkness is defined as the sudden absence of light or the sudden absence of light beer, either

way it got dark in a hurry behind the Rypien house on North Moore Street.

So friends and relatives scatter from the lawn like pollen. But Mark Rypien, 29, remains in a lawn chair behind the house he grew up in, a maple tree no longer shading him from sunlight, but from starlight and porchlight instead. "The Big Fella," he says, finally, as the voices of family and friends fade into the house or into the night. "The Big Fella should have been here."

The Big Fella would have admired the new vinyl siding on the old house he bought in 1968, the house in which he and Terry raised their five children on the money he earned selling office equipment by day, the money she socked away working nights as a secretary at Holy Family Hospital. He seemed to fill that house all by himself, the Big Fella, even though he wasn't all that big, not nearly as big as Mark is now. But he was as strong as ammonia, and he wore a potbelly like a prizefighter wears a title belt.

"He could bring a house down," says Mark. "Life of the party. It's so much fun when the whole family gets together like this. But in some ways, it's the hardest time, too."

The Big Fella was broad, that's the word, with a chest that would have broadened further last Jan. 26. Why couldn't Bob Rypien have been one of the one billion? That's how many people watched as his oldest son, Mark, for two seasons the starting quarterback of the Washington Redskins, earned the Most Valuable Player award in Super Bowl XXVI. . . .

Five miles away, at 1226 North Hamilton Street, men have been setting them up and knocking them back since Prohibition was prohibited in 1933—ever since the Buffalo Market was swiftly converted into the Snappy Service Beer Parlor.

The Snappy became Joey's Tavern in 1947, and though Jack Stockton and Dan Crowley bought the place in '61 from the guy who had bought it from Joey, they waited 14 years before renaming the joint Jack & Dan's. Why mess with success? Business has always been good, what with Gonzaga University a block away.

Business has always been good, but in the last five years, well, Jack & Dan's has been served a double. So Jack, 64, is here at nine this morning, smack in the middle of his summer vacation, to check on construction of the beer garden being added out back. No problem, really, as Jack lives 150 yards from the bar's back door, in the white house with the redbrick accents and the basketball hoop in the driveway. There, on North Superior, he and Clementine provided for their four children, provided for them with the Budweiser-soaked dollars that crossed the bar.

"The beer garden is for the Olympics," says Jack, straining to be heard as a jackhammer solos outside. "It's going to be crazy here during the Olympics."

Setting them up and knocking them back? Why, it's the other way around. Jack's partners will be knocking them back in Spokane, while Jack's second son, John, is setting them up in Barcelona. On loans from the Utah Jazz, for whom he has started for the past five seasons, 30-year-old John Stockton is a point guard on his nation's Dream Team, one of the dozen or so best basketball players in the world. . . . Make a right out of Jack & Dan's, go seven blocks north on Hamilton and hang a left on West Augusta, and it is just down the road on your left: the old two-story house with the barn-style roof and expansive front porch, the house where Derwent and Elizabeth Sandberg lived with their four children. Derwent, that was his name, and now you know why everybody called him Sandy.

Sandy Sandberg was a mortician who left his work behind at the Hazen & Jaeger Funeral Home on North Monroe, making no effort to pass that most familial of occupations along to his sons. "He pretty much kept that to himself," says the youngest of his three boys.

When Elizabeth was nine months pregnant with that child in September 1959, she and Sandy could settle only on a name for a girl. But the couple was watching a New York Yankee game on television one night, and when they heard the announcer roll out the name of the right-handed relief pitcher walking in from the bullpen, well. . . .

"We looked at each other and knew that would be the name if the baby was a boy," says Elizabeth. And why not? The last time she had given birth, five years earlier in Philadelphia, the boy was named Del, for Phillie slugger Del Ennis. So now Del would have a baby brother, a baby brother named for Ryne Duren.

"My father loved baseball," explains Ryne Dee Sandberg, now 32. "He was a fan of all sports. We never had a lot of money, but he always had enough to buy me a glove and spikes. He has had a lot to do with this."

Funny, isn't it? Now they're free, the gloves and spikes: now, after he signed a contract for $7.1 million annually in this, his 10th year playing second base for the Chicago Cubs; now, when Ryne Sandberg finds himself somewhere between boyhood and a bronze bust in the Baseball Hall of Fame. . . .

They are the sons of their fathers and mothers, to be sure, but they are also the sons of Spokane (spo-CAN, please, so as not to rhyme with *cocaine*). If they are the city's claim to fame, then the city has staked a claim *on* their fame, as well. When you get right down to it, Spokane is a city of 177,000 Fred MacMurrays, each one boasting of My Three Sons.

"I think we have three of the classiest athletes around in you, John Stockton and Ryne Sandberg," says a middle-aged man at the Spokane Youth Sports Bingo Hall, where Rypien is signing autographs at a card show. "Could you sign that *To Brad, from Mark*?"

The city has 13 high schools, and Sandberg graduated from one of them (North Central, class of '78), Stockton from another (Gonzaga Prep., class of '80) and Rypien from a third (Shadle Park, class of '81). So practically everyone in town knows a famous athlete, or at least knows someone who knows one.

Take this guy, for instance, the guy at the head of the line of autograph seekers, this bald guy who is no taller than a tackling dummy. He is describing to Mark—who goes 6'4" and 235 pounds—the time when he sacked Rypien in a high school football game, just decked him over at Joe Albi Stadium on the northwest side. Must've been Mark's senior season at Shadle. Remember that? "Remember!" says Mark, wincing as he vividly recalls a sack that never happened. "My ribs are *still* hurting from that one. . . ."

Of the three boys, Rypien is the youngest and the newest to fame. He cannot yet say no to anyone asking for anything. Can I have an autograph? Would you swing by the hospital? Could you say a few words to the school kids? Remember that time I sacked your sorry butt? To everyone, he says, "You bet."

He signs 1,200 autographs in 10 hours over two days at the card show, lining his pockets with nothing but ink stains. He is, bless him, not getting paid for this. Rypien's brothers. Tim, 28, and David, 24, more or less volunteered Mark for the event, and now they fear for his future as a quarterback. "I hope he doesn't get carpal tunnel syndrome," says Tim, eyeing the long, slow-moving line. What is Mark *doing* up there? He's *chatting* with people? Posing for *Polaroids*? Asking Mrs. Riggs how her daughters are doing? He'll never get through this. . . .

"He loves Spokane," says Tim. "He loves coming back here, whether he had a bad year or he won the Super Bowl. There's more to life for Mark than making money and being a jerk to people."

Fame still has that new-care smell to him. Though Rypien was drafted by the Redskins out of Washington State University in 1986, he spent his first two seasons in D.C. on injured reserve, missed much of 1988 with a shoulder injury and sat out part of 1990 with a sprained left knee.

Before he was a Super Bowl MVP, Mark Rypien was a two-time football team MVP at Shadle, a baseball team MVP there, a two-time basketball team MVP and MVP of the state high school basketball finals in Seattle. Lord knows he can spell MVP by now, but whenever someone asks Rypien to affix the letters to his signature on his 8 x 10 Redskins glossy, he politely refuses. "I'll sign it *World Champions*," he says, invariably winning over his marker-wielding stalker. "How's that? There you go. Now let that dry, so it doesn't smear. . . ."

World Champions. It's really only in the last year or two that people have been following him down the cereal aisle at the Safeway near his home in Reston, VA.—where he lives with his wife and two daughters—to see whether Mark Rypien goes for the Cap'n Crunch or the Count Chocula. And it has only been since January, when he threw for 292 yards and two touchdowns in the Redskins' 37–24 dismantling of Buffalo in the Super Bowl, only since he informed the world of his plans to vacation in Orlando, only since he chatted up David Letterman in New York . . . only since then that he can no longer go anywhere unrecognized.

Mark was dancing with his wife, Annette, at a nightclub in Daytona Beach this spring when a man approached him on the dance floor and asked for his autograph. Rypien signed, simply relieved that the guy didn't want to cut in and cut the rug with him.

Earlier that evening Rypien had abandoned the sanctuary of his table for the uncertainty of the men's room. Bouncers became alarmed when they noticed countless patrons entering the john, but none exiting. What evil lurked inside there? It was Rypien, sitting on a sink signing autographs for everyone.

It's the same tune in Spokane, only in a lower key. "They see his face everywhere around here," says Tim. "So maybe people don't get as excited." Tim was an athlete at Shadle too, a catcher who made it to Triple A in the Toronto Blue Jay organization before becoming the baseball coach at North Central High a year ago. He happens to mention that his Indians play on Ryne Sandberg Field. . . .

Ryne Sandberg is the oldest of the three, the oldest and best-known and richest of the three boys, the three boys in four years. Think of it. In the time it takes a president to break his promises, Spokane was buttoning up these three little beauties and sending them out into the world.

"In our generation in Spokane," says Jerry Cain, 28, Rypien's best buddy since junior

high, "Ryne Sandberg was the first real three-sport star in high school: All-Everything in baseball, basketball and football, signed a letter of intent to play quarterback at Washington State, then got drafted by the Phillies.

"I had no ambition to go to college and study," says Sandberg, standing outside the visitors' dugout at Shea Stadium in New York City and forthrightly explaining why he did not end up as a senior quarterback at WSU while a freshman named Mark Rypien waited his turn from the bench. "When the Phillies made an offer, it made my decision easier. I wanted to get into the minor leagues young, work at the game, learn how it worked, and *maybe*, someday, make an appearance in the majors."

Maybe? Someday? *C'mon*.

"No, I never dreamed of this," says Sandberg. "Never. Not at all. I'm a lucky guy."

He plays second base like Yo-Yo Ma plays cello. He is the only man ever to win nine Gold Gloves at that position. He has the highest fielding percentage in major league history. He once played in 123 consecutive games without an error. But he still carries a trace of the boy from Spokane, the North Central shortstop who made four errors against Western Valley the day scout Bill Harper told Sandberg that Philadelphia would draft him.

He has hit 40 home runs in a season, stolen 50 bases in another, and no one else in major league history can say that. He has hit .288 for his career. He has played in nine All-Star Games. He was the leading vote-getter in '91. He has won one National League MVP award. There is growing sentiment that he is the best second baseman ever to play the game. In March '92 he signed a contract, the richest in the game's history, that will pay him $7.1 million a year for the next four seasons. But he still carries just a hint of the boy who, when told that he might get a signing bonus of $50,000, turned to his high school coach with bug eyes and said, "Oh . . . really?"

To this day, that is about as long as a Sandberg sound bite gets. He was All-Everything in high school, All-Everything but All-Interview, and he still has nothing outrageous to say when he has anything to say at all. And when did that become a character flaw? "Most writers, for the first five or six years of his career, couldn't accept that Ryne is that way," says his mother, who now lives in Brewster, Wash., about 135 miles from Spokane. "I am proud that he has been a very good role model for the rest of the country. He lives an exemplary and moral life. People looked for skeletons in his closet, but they couldn't find any."

No skeletons, but still they've prospected for fragments of bone. Yes, he posed for a promotional poster with Rypien two years ago in the letter jackets of their respective high schools. But hasn't he declined repeated invitations to be honored at the annual Spokane Writers and Broadcasters dinners? Sure, he returns to Spokane at least once a year. But doesn't he make his off-season home, with his wife and two children, in Phoenix? What are the superstar's responsibilities to the city that nurtured him? What are they, and where do they end?

"A couple of sportswriters in town have insinuated that Ryne forgot where he came from," says Sandberg's high school baseball coach, Kenny Eilmes. "But you know, us common people can't realize the pressure he is under. We only see the gravy side of it. We don't see that Ryne Sandberg got where he is by beginning at baseball's lowest possible classification, in Helena, Montana."

All of the zeroes at the end of Sandberg's contract were bound to stick to him like concentric rings on a target. But Eilmes is right. The boy worked at baseball as surely as the father worked at the mortuary, as surely as the mother worked as a nurse, as surely as the parents worked for glove money for this boy they named after a ballplayer.

Sandy Sandberg died in 1987. But he lived to see his son become a star. He would sometimes sit right there, in fact, and watch Ryne on WGN. Sandy Sandberg would sometimes sit right there and watch his son on that first TV above the bar at Jack & Dan's Tavern. . . . John Stockton used to play in the driveway like the post office used to deliver the mail. "In rain and snow," says his father, Jack. "Day and night."

"I remember driving by his house in high school," says Rypien. "Ten, 11 o'clock at night, and he was out on the driveway, dribbling a basketball."

He would play all afternoon, then meet his dad at Jack & Dan's. At dinnertime Dad would pedal John home on the handlebars of his bike. Bob Cousy was Jack's favorite player—"and my wife's, too"—but on the driveway John was always Gus Williams of the SuperSonics, driving a concrete lane at the Seattle Coliseum. His hands and feet were huge, but so were the frail kid's illusions. One night, when Seattle played the Jazz in an exhibition at the Spokane Coliseum, John got to be a ballboy for the Sonics. That, obviously, was as close as the kid was ever going to get to the NBA.

Even now, when people talk about Spokane high school basketball, they usually talk about another point guard and his dream senior season; the year Rypien was named MVP of the state championship in the Seattle Coliseum, when he set a tournament record for assists. In the final Shadle beat a team from the affluent Seattle suburb of Mercer Island, beat them on a still-disputed, last-second shot with a fouled-out Rypien on the bench. Shadle needed a police escort to get out of the building when the home crowd nearly rioted. Mercer had a championship trophy made. Mercer's coach counted the game as one of his 1,000 wins. "They still cry about it every year," says Rypien. "They can cry all they want. It's etched in stone that we're the state champions that year."

"It's been proven," says Jack Stockton, who sounds vaguely convincing. "Shadle won it fair and square."

Anyway, the point is this: It wasn't John Stockton of the Gonzaga Prep Bullpups who was on his way to the NBA a dozen years ago. It wasn't John Stockton, even though Rypien, a former point guard himself, seems to recall that Stockton once went for 42 against him in a Shadle-Gonzaga Prep showdown. "The only person in the world who thought John would play in the NBA was John," says Jack. "And that's the god's honest truth."

Stockton still holds a grade school record in Spokane for running the mile, a record he set in eighth grade at St. Aloysius. St. Aloysius, Gonzaga Prep, then Gonzaga University—the boy attended the same three schools that his father did. Bing Crosby, who also grew up in this neighborhood and also attended Gonzaga, stands in bronze on the college's campus, with a golf bag at his feet and what appears to be a cigarette butt in his mouth. (It is actually the remnant of a pipe, which is snapped off and stolen from Der Bingle's mouth monthly.) But if they ever erect a statue of John Stockton on these grounds, it will be in brass. They can melt down the actual John Stockton for raw material, for brass is what got him from boyhood to Barcelona.

"He takes losing personally," says Jeff Condill, 28, John's close friend, college teammate and co-owner of Jack & Dan's ever since he brought out Dan Crowley a year ago. "Whatever he plays, Ping-Pong, golf, lawn darts. He holds the Jazz record on the treadmill, and he wants to defend that title every year."

Still, John Stockton would most likely rather lose in lawn darts than be interviewed. We would have asked him to confirm that, but he was too busy playing Sam-I-am to our green eggs and ham. Talk to us? He would not, could not, in the bar. He would not, could not, in his car. He would not, could not, at the gym. We would not, could not, speak to him. Jack, Jeff, his agents at ProServ, the publicity department of the Jazz and the Washington National Guard could not prevail upon him, either.

Stockton has an aversion to making public appearances, on behalf of the Jazz or on behalf of Nike. He was supposed to appear in that poster with Rypien and Sandberg back in 1990, for a three-on-three basketball tournament, but he backed out of it when he thought organizers had lied to him about something or other. He never used to have ballboys pull his car around to the back of the Delta Center, where the Jazz play, but he does now, no longer willing to brave the parking lot.

And so what? It isn't as if the guy has gone completely Garbo: When he isn't spending summer days with his wife and three children at their cabin, an hour from Spokane on Priest Lake, he might be conducting his annual basketball camp for kids. He is close to just about anyone who has ever coached him, tighter than the insides of a Titleist with his family. He still sees people, for god's sake—it's sports-writers he could live through the summer without.

He wouldn't hold the NBA single-season record for assists if he weren't selfless, would he? What is Stockton doing while he isn't talking to us? He is helping an old friend, the Gonzaga trainer, build a house.

"He really is a people person," says Condill. "His family is his first priority. He became more private when he started a family. I think seven or eight years from now, he'll probably come back around the other way."

Most of Spokane knows where to find him anyway. It's no secret that Stockton makes his home next door to the one he grew up in. Sure, he has a house in Utah, too, but the reason he so loves Salt Lake City, says his father, is that it reminds him of Spokane: easygoing laid-back.

Nevertheless, when you are a civic bauble, you are always on display in a jeweler's glass case: Not long ago, in Spokane, Stockton was asked for his autograph at a funeral he was attending.

Always on display in a jeweler's glasscase. How long before you would tire of looking at life through the fingerprints and the fogged glass? Ryne Sandberg was last in Spokane for the burial of his oldest brother. Lane Sandberg was 42. He lived in the house on West Augusta Avenue in which he and Ryne and the rest of the children were raised. He died in that house on the 10th of February.

Elizabeth Sandberg sits at home, in her house in Brewster, speaking above the low notes of a piano being tuned in the next room. "Lane had a hell of a tough life, to tell you the truth," she says. "He had epilepsy since the day he was born. When I saw him

last Christmas, he was gray and stooped and tired. I thought then, There is death walking."

A month and a half later, Lane died on the floor next to his bed, during an epileptic seizure at eight o'clock in the morning. Sorry is not a word that comforts here, says his mother. But she certainly takes solace in her family. "I am proud of all of my children," she says. "I have a wonderful family."

Harry Caray doesn't shout their names, but her son Del teaches high school in Olympia, Wash., and her daughter, Maryl, works for a TV station in Seattle. And Elizabeth's son Ryne—she looks in on him nearly every day, watching almost every Cub game on the team's cable-TV superstation. The schedule is attached to the fridge.

She can see her reflection in the TV set. After all, it was Elizabeth who was the athlete in high school—Sandy played the tuba. She was from Vermont. He was from Minnesota. During World War II, Sandy had an Army buddy whose fiancée was a close friend of Elizabeth's. Staff Sergeant Derwent D. Sandberg wrote Elizabeth a letter. She wrote back; it was the patriotic thing to do. Two years later they were married. The Sandbergs settled in Spokane because a job was available there when Sandy finished mortuary school. They settled in the house that now stands a block and a half from a ball field that is named for their youngest son.

"I'm very pleased," says the boy's mother, "that the good Lord gave him talent."

Terry Rypien used to stand at the front door and watch her children enter Westview Elementary School directly across the street. From her living room she could see her children in their classrooms. From her couch she could watch them at recess. She went to work at the hospital each night when her husband came home, came home and filled the house with his presence.

Bob Rypien could fill the neighbors' houses, too, fill them with his headlights. Curfew was midnight for Mark and Tim on weekend nights during high school. When Mark was watching television on the wrong side of 12 at a girlfriend's house, Bob pulled his car in front of the girl's picture window and froze his son in the glare. Mark could only sit there on the couch, like road kill with a remote control in his hand.

"His word meant everything," says Mark. "You didn't blow it off."

To look at Mark and Tim and David now, it is impossible to imagine them sharing that one bedroom in the basement of this house. They shared everything, really, since there can be no secrets in such an arrangement. Tim was always in by 11:58 on weekends; Mark was the one who was late. "But you have to understand," says Mark, "Tim would come in with bloodstains all over him, having been in fights with his buddies all night. But he was in by curfew, so no problem. Me, I wouldn't be doing a darn thing but be out till 12:30, and my dad's about ready to kick my ass when I walk in the door. The seven worst words I ever heard were *I'll talk to you in the morning*. Now I'm supposed to sleep well?"

Terry and Bob were Canadians by birth. She grew up in British Columbia. He grew up in Alberta. When she was 16, Terry moved to Spokane with her mother. Bob's aunt and Terry's sister were friends. Terry and Bob met on a blind date. The family they raised together—Colleen, Mark, Tim, David and Shannon—remains as close as a twin-blade shave.

When they all gather in the backyard, as they have on this evening, Mark finds himself amid the fading laughter, lamenting that his father couldn't be here to turn the fun up a notch. Then, after a pause: "He is here," Mark says. "He's right there." Mark is leaning back, out from under the maple tree, fingering a star overhead. Star-spangled Spokane, indeed.

Long before the light had faded that evening, Mark had his picture taken in the backyard with a neighborhood boy who was wearing a Redskins jacket. Children call Terry on football Sundays. Is Mark there? She tells them Mark doesn't live here anymore, that he's in D.C. playing football today. On Monday the phone will ring again. *Is Mark there yet?*

The Rypiens stayed together in a convent in St. Paul during Super Bowl week. "I was just glad the Redskins made it to the Super Bowl," says Terry. "In my mind, I thought they probably weren't going to win. Buffalo had already been there. It was their turn." Well, as the press clippings that Terry keeps in an accordion folder will attest, the Redskins won, and won big. John Stockton left a congratulatory message for Mark at the Redskins' hotel in Minneapolis that night.

Mark spoke to Terry after the game. Four months before Mark played his first game for the Redskins, Bob Rypien died of a heart attack, in June 1988. "Don't worry, Mom," Mark now said. "I think Dad had the best seat in the house."

How could Mark know that? Terry Rypien was back home in Spokane by 10 o'clock Monday morning. The trees in her front yard were draped triumphantly in toilet paper. A banner was stretched across the front of the house: Home of Super Bowl XXVI MVP.

He is here. Dad had the best seat in the house.

How could Mark know that? It was three days before Terry first saw her son in the Disney commercial. You know the one. You know the song. *When you wish upon a star . . . makes no difference who you are . . . anything your heart desires . . . will come to you. . . .*

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON EMPLOYMENT AND HOUSING OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore (Mr. ENGEL) laid before the House the following communication from the Chairman of the Subcommittee on Employment and Housing of the Committee on Government Operations:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, August 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, the Capitol

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L(50) of the Rules of the House that the Subcommittee on Employment and Housing of the Committee on Government Operations has been served with a subpoena for documents relating to the Subcommittee's investigation of the U.S. Department of Housing and Urban Development, issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I will make the determinations required by the Rule.

Sincerely,

TOM LANTOS,
Chairman.

LEGISLATION TO FACILITATE AIDS VACCINE RESEARCH AND CLINICAL TRIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 60 minutes

Mr. STARK. Mr. Speaker, today I am introducing the AIDS Vaccine Development and Compensation Act of 1992. This legislation seeks to advance research and development of a vaccine for one of, if not the single most explosive health concern today. This legislation facilitates efforts to develop a vaccine that will provide protection from the continued scourge of the acquired immunodeficiency syndrome [AIDS] in this land and overseas.

The AIDS Vaccine Development and Compensation Act of 1992 is designed to gain control of the liability concerns associated with the development and distribution of an AIDS vaccine. Enactment of this legislation will increase protection for the researchers, research institutions, and manufacturers of an AIDS vaccine. To the extent there are negative consequences as a result of receiving an AIDS vaccine, this legislation will provide relief to the recipients of an AIDS vaccine.

LIMIT ON LIABILITY PROTECTION

Before I proceed any further, let me state clearly that this legislation modifies the liability of manufacturers, research institutes or researchers only in cases where there is FDA, NIH, or other Government review and approval of a particular AIDS vaccine trial or the administration of a particular AIDS vaccine. Furthermore, in no instances does this legislation provide cover for gross negligence or reckless, willful or wanton misconduct, or provide protection in instances where the manufacturer, research institute or researcher intentionally provided false information to an agency of the Government or failed to comply with research or vaccine administration guidelines.

AN EPIDEMIC WITH NO BOUNDARIES

The AIDS epidemic may be characterized as one compounding, decade-long tragedy. In the United States alone there are well over 1 million persons infected with the AIDS-causing virus. We have watched in horror as the prevention and treatment efforts have fallen short of stopping the spread of this disease and have provided far too little relief from its effects.

While we have all shuddered at the sights and statistics of young men stricken with AIDS during their most productive years, we have learned that HIV does not discriminate. While AIDS is often depicted as a homosexual disease, it in fact knows no bounds of color, gender, age, religion, or sexual orientation. In fact, the percentage of women infected doubles every 5 years. Worldwide, one half of the persons infected since January 1 of this year have been women.

If this were not enough, we are now seeing counted in the statistics the faces of the newest and most fragile members of our families. And pediatric AIDS cases are increasing far more rapidly than had been anticipated. Today, the number of pediatric AIDS cases is 33 percent greater than the pessimistic prediction made in 1987 by Surgeon General Koop for 1991. Children account for nearly

4,000 of the diagnosed AIDS cases in the United States. Four thousand. According to the Public Health Service, it is estimated that 1,500 babies were born infected with the HIV virus in 1991 alone.

These numbers lead us to wonder, "How much worse can things get?" As we all should be well aware by now, much worse. In the British medical journal Lancet, it was estimated that 5.7 million people will be infected with HIV in the United States by 1995. According to the U.S. Agency for Health Care Policy and Research, this year in the United States $10 billion will be expended for treatment of people infected by HIV. By mid-decade, this number is anticipated to jump to $15 billion annually, a 50 percent increase.

The AIDS epidemic also knows no geographic bounds. AIDS is truly a pandemic disease. It is almost overwhelming to note that while the situation in the United States is horrendous, HIV has infected six times as many people on the continent of Africa. No village, no inner-city block, no school yard, no matter if in a poor or rich neighborhood, has likely escaped the menace of this virus. At the risk of numbing us all, I cite the conservative projection of the World Health Organization that 40 million people will be infected with HIV by the year 2000. Using a different model, the Harvard University-based Global AIDS Policy Coalition has generated a number nearing three times this amount.

To conclude my description of this continuing tragedy, I must remind my colleagues of the sum devastation of this disease. Across the globe, the human immunodeficiency virus has claimed the lives of 2.5 million individuals. As of March 31, we had lost 226,281 men, women and children here in our own country.

IT IS TIME TO REMOVE THE BARRIERS

The human immunodeficiency virus appears to pose a medical challenge as tenacious as any to date. The response must be equal to this challenge. To the extent that any of our responses show promise, we must accelerate these efforts and ensure that any impediments encountered are removed. The approach I am advocating today attempts to do just that.

The AIDS Vaccine Development and Compensation Act of 1992 cuts through the barrier of liability to free researchers and manufacturers to move forward with their efforts. It ensures that those who suffer negative consequences from the receipt of an AIDS vaccine are properly compensated.

Simply put, this legislation clears the way for government, academic and private sector researchers to get-on with their work.

While we in the legislative branch may argue over the degree to which we can afford to respond to the AIDS epidemic, this legislation ensures that we do at least the minimum. We must remove the barriers to the current prevention efforts. While we may consider new initiatives to pursue, it would be tragic if we failed to eliminate the barriers to the work currently underway.

A PROVEN APPROACH

The approach taken in this legislation is not an untested one. Modeled after the National Childhood Vaccine Compensation Act, this legislation will draw from an approach with half a decade of success. While there are differences to be recognized, it is the similarities and the experiences with these similarities that allow us to move ahead with this approach having a reasonable degree of confidence.

The most significant difference between the AIDS Vaccine Development and Compensation Act of 1992 and the earlier legislation of which I was a cosponsor is that this legislation applies to the development phase of the vaccine as well as during the distribution of a fully approved vaccine. Not only will inclusion of the development phase expedite progress on the AIDS vaccine, the data gathered during this period will enable us to more accurately determine the source and extent of claims for potential compensation during the distribution phase.

COMPENSATION IS SPECIFIED AND INTERNALLY FUNDED

To provide compensation to those who may experience injury, illness, disability or death, side effects that have been associated with other vaccines, a trust fund will be created. Funding for the trust fund will be generated from an assessment placed on each dose of the AIDS vaccine administered. The assessment will be levied against the manufacturers of the AIDS vaccine being tested or distributed. The amount of the assessment will be based upon the estimated cost of the compensation likely for each type or category of vaccine administered.

Compensation will be provided from the fund to those experiencing injury, illness, disability or death as a result of receiving an AIDS vaccine. Compensation to injured parties will be for specified expenses incurred as a result of the vaccine administration. A limit is placed on the amount of compensation awarded for pain and suffering. A set amount is provided in the case of death attributable to administration of an AIDS vaccine.

AN APPROACH WORTH THE RISK

Some may phrase the question as we move to consider this legislation, "Can we afford to assume the risk of an AIDS vaccine?" As is so often the case when dealing with issues of this magnitude and urgency, the question must be reversed. The true consideration is, "Can we afford to assume the liability of the disease and not the liability of prevention?"

From discussions with advocacy groups, industry, academia, and the Government research and regulatory agencies, there is unanimity on the point that AIDS vaccine research efforts have been inhibited by the issue of liability. What the genesis of these concerns are and how great they may be, it is not easy to determine. What I am attempting to do, and more specifically what this legislation does, is to the extent the liability concerns are impeding progress, minimize these concerns.

THE ALTERNATIVE OF NOT ACTING

I'd like to comment briefly on what the result of not implementing the AIDS Vaccine Development and Compensation Act of 1992 may be.

Right now, there are reports from the National Institute of Allergy and Infectious Diseases [NIAID] of one AIDS vaccine trial that will not be initiated and a second that is being stopped because of liability concerns. These two impeded clinical trials are likely to be representative of others that have been stopped at an earlier stage or not even initiated because of similar concerns. If these claims are accurate and research will be halted on even a small number of potential vaccines, the overall prevention effort will suffer. If clinical trials are halted on the most promising and advanced of vaccines, which may be the case at present, and even if these vaccines are not ultimately the chosen candidates, significant ramifications result.

The NIAID calculated the effect of delaying the administration of an AIDS vaccine. In their hypothetical example, if a vaccine with a 60-percent effectiveness was delayed for 5 years awaiting the development of an AIDS vaccine with a 90-percent effectiveness, at the end of a 15 year period 46 percent more cases of HIV infection would have resulted.

Put another way, if we can get a vaccine that has some level of effectiveness out to our communities and to those most at risk as soon as is feasible, the results will be immediate and long lasting. I cited above the tremendous number of lives currently affected by HIV. The costs are also staggering. Average lifetime costs of treatment for one AIDS patient is now $102,000. Simple multiplication can produce some astonishing figures as to what delaying a vaccine may cost.

Whether the delay in administering a vaccine occurs because of the inherent difficulties of science or because of liability concerns, the results are the same. In this instance where the scientific questions pose such a great challenge, it would be a tragedy if liability concerns were allowed to compound this difficulty.

REQUEST FOR COMMENT

Existing legislation provides a functioning model for the approach taken in this legislation. While this is so, the uncertainties associated with the AIDS virus require reexamination of all aspects of this compensation program. We need the ideas and comments of all interested parties on this bill, as soon as is possible. This bill is undoubtedly just a "first draft" of what is needed in this complex and difficult field. No less than was the case earlier, the participation and cooperation of all interested sectors is necessary in order to fashion a successful AIDS vaccine development and compensation program.

I look forward to receiving your comments regarding the AIDS Vaccine Development and Compensation Act of 1992 and for your ultimate support.

□ 1800

THE GREAT CONSPIRACY OF THE TAX REVENUE ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 30 minutes.

Mr. OWENS of New York. Mr. Speaker, we are about to begin a recess until after Labor Day. As we begin this recess, I would like to take a few minutes to call upon the American people to take a hard look at what is happening to their Government here in Washington. We are in the throes of a Presidential election. This is a very important year. It is important that we all take a hard look at what is going on here in Washington, take a look at

what has gone on this week, last week, and 2 weeks before.

As you look, look with the eyes of a mystery reader. Do not use the standards that were set in your high school civics classes. Those are all obsolete. Begin to look at the Government of the United States, or democracy, the greatest democracy that ever existed. Look at it with the eyes of a person trying to unravel a set of conspiracies. The conspiracies keep exploding. There are more and more of them.

In the year when the BCCI came to its climax and a prominent Washingtonian was indicted for his role in the BCCI scandal, the same year that Iran-Contra led to the indictment of a former Secretary of Defense, in the year that the savings and loan bailout was admitted costing us as much as $200 billion, the conspiracies keep going.

The cynicism is as rampant now as it ever was. In fact, we are witnessing in Washington now one of the most cynical efforts to develop legislation that I have ever witnessed. The Revenue Act of 1992 is one of the most cynical pieces of legislation ever contrived. The Revenue Act of 1992 is supposed to be a response to the disturbances that took place in Los Angeles following the announcement of the verdict in the Rodney King case. Not only were there disturbances in Los Angeles, but what has not been publicized so widely, many other cities have had disturbances.

There was generally a frightening rumbling that took place in our cities. Naturally, it takes place in the cities, because that is where most of the people are; but people in general began to express anger of a kind which would spread beyond the usual inner city neighborhoods and beyond any one ethnic group.

The anger is there, and in response to that anger we have had some feeble efforts here in Washington, among those efforts there was a proposal to establish enterprise zones in certain urban and rural communities.

At the heart of the Tax Revenue Act of 1992 is the effort, supposed to be the effort to help relieve the kind of situation that led to the uprising, the violence in Los Angeles.

It is supposed to be an urban aid package. Funny name for an urban aid package, the Tax Revenue Act of 1992, but it is supposed to be an urban aid package.

The excuse for the Tax Revenue Act of 1992 is the relief of inner-city problems. We are using the need to relieve the problems in the inner cities as the reason for the Tax Revenue Act of 1992.

The Tax Revenue Act of 1992, and I hope you will take a close look at what has happened here. You will have time to examine it before the Congress reconvenes in September, and understand that the riot that took place in Los Angeles was nothing compared to the riot that is taking place in Washington.

The riot here, the orgy of spending, everybody likes to accuse everybody else of being big spenders, so nobody will own up to the fact that the Tax Revenue Act of 1992 is an orgy of spending.

They call them tax expenditures, not regular expenditures, but tax expenditures. Every time a tax loophole is created, every time there are tax giveaways, we lose money. These are revenue loses.

Economists have come to equate revenue losses and tax expenditures with regular budget expenditures, and they are correct. So we are spending money like mad while both parties accuse each other of being big spenders; but spending is out of control.

There is an orgy going on. There was $17 billion worth of tax breaks included in the Tax Revenue Act of 1992 when it passed the House of Representatives. This act passed the House of Representatives by a margin of 356 to 55. Almost everybody, except 55 people, voted for this Revenue Act of 1992, which gave enormous tax breaks, at least $17 billion, the New York Times estimates as much as 20 billion dollars worth of tax expenditures, and nobody claims that any more than $2.5 billion of those tax expenditures relate to the urban areas. Nobody claims anything beyond that $2.5 billion related to enterprise zones has anything to do with urban areas.

So the people who rioted in Los Angeles are the excuse for making the 5 percent of Americans who are richest more rich.

Now, $17 billion in the House is bad enough, but now we hear that in the other body the number has reached $31 or $32 billion and is still climbing. Tax giveaways, tax expenditures, big spenders giving money to the wealthiest 5 percent of the population and they are doing this in the name of relieving the burden in the cities. They are doing this in response to the people who rioted in Los Angeles.

I beg all you inner-city dwellers out there who need health care, who need housing, who need jobs, everybody in the inner cities, please never ever again assume that violence will help your cause. Do not riot again, please do not. Do not have uprisings again, because we will give away the rest of the country to the 5 percent of the richest people if you do it again.

This sets a precedent. If they give away $30 or $35 billion now, they will be waiting for the next riot to finish the job.

It is a conspiracy. It is an open conspiracy. It is an open orgy. It is obscene, and yet most of the people here have gone along with it; 356 voted for it in the House, only 55 voted against it. I am proud of the fact that I am one of the 55 who voted against the Tax Revenue Act of 1992.

Its Big Brother who will be coming back to the House in the fall, in September, and it will be double the size of the smaller brother that left here.

The Tax Revenue Act of 1992 is one of those open conspiracies. In a democracy, we have access to information. We have access to our Government. We can hear and see what is going on. Right before our very eyes they do it.

It is not a covert action. This is not Iran-Contra. It is not a conspiracy like Iran-Contra where it was hatched in the basement of the White House and carried out in the basement of the White House, and we learned about it only later.

No, no, this is right before our eyes, enormous tax expenditures are being made in the name of relieving the burden in the cities.

It is a riot taking place right here in Washington and it is not covert. It is overt.

The BCCI was a covert operation. It extended its tentacles into all regions of this Government and all governments throughout the world. The CIA Director had regular meetings with the head of the BCCI at one time.

We have the indictment of a man who was an adviser to Presidents and once the Secretary of State in connection with the BCCI.

That kind of conspiracy is not unique. As Americans, we had better start looking for conspiracies, networks of conspiracies, circles of conspiracies intertwined with each other. The savings and loan is probably one of the most costly conspiracies. It took place right out in the open, most of it. It was not covert.

We passed rules and regulations and laws. Our Government was in charge. There was collusion between the regulated and the regulators. It all happened right before our very eyes, and we do not respond. We do not respond as citizens, as voters, and that is bad enough; but the worst thing is that here in Washington nobody still seems to understand the kind of conspiracies that are going on and the need for each individual Congressman to take it upon himself to begin to react to these conspiracies.

□ 1810

There is a story in the New York Times business section today which just shows how blatant and open, how obscene the conspiracy can get right before our eyes. The heading for the story that appears in the business section of the New York Times is that the United States "is accused of easing the pursuit of S&L cases," savings and loan cases, savings and loan associations.

You will recall we have not heard much about that in the last few months because neither party wants to discuss it as we approach an election, but it is still very much on the agenda.

Billions of dollars that the American taxpayers will have to pay back be-

cause the savings and loans' boards of directors, executives, dealers, wheeler-dealers, stole it. We are in the midst of trying to get the money back.

The hearing that was held before the Senate, I will read from it because I think it is important for everybody to know. People do not read the business section of the New York Times, but this is one for everybody to understand just how open, blatant, how much nerve and chutzpah the conspirators have:

Government lawyers told a Senate panel that Federal attempts to sue and recover money from former officials of defunct savings-and-loan associations had been mismanaged and relaxed in recent months. They suggested that political influence played a role in weakened government efforts.

I am reading from an article that appeared in the New York Times today, Wednesday, August 12.

A lawyer with the Resolution Trust Corporation, the agency responsible for cleaning up collapsed savings-and-loan institutions, said the agency's dropped plans to sue officials of an institution around the time one of them visited with President Bush.

I am reading from the New York Times:

The lawyer, Jacqueline P. Taylor criticized the decision to resolve the matter out of court rather than to file a lawsuit as "an inappropriate settlement because of political reasons."

The panel, the Senate Banking, Housing and Urban Affairs Committee, also heard Ms. Taylor, two other agency lawyers and a top official of the General Accounting Office, a congressional investigative body, tell about organizational disruptions in the Resolution Trust program to recover money from those who helped cause the collapse of hundreds of savings and loan associations.

There are organizational disruptions within the organization that was appointed to recover our money.

Any reduction in recoveries by the government from savings-and-loan wrongdoers would increase the scandal's total cost to taxpayers, now estimated at more than $200 billion.

The most conservative estimate is that it has already cost the taxpayers $200 billion.

Continuing to read from the article which appeared in the New York Times today, August 12, the statement is made that:

At the hearing, the committee made public a Resolution Trust personnel policy implemented earlier this year that, in effect, set up special hiring preferences for well-connected attorneys seeking jobs at the corporation.

Well-connected means some of the same attorneys who were attorneys for the banks that are now defunct, the banks from whom we have to recover our money.

Continuing in the same article:

The lawyers, supported by the Senate committee's chairman, Donald W. Riegle, a Michigan Democrat, said the most experienced lawyers were being replaced or punished—

This is in the Resolution Trust Corporation—

the most experienced lawyers were being replaced or punished, allowing potential defendants off the hook. Two other agency attorneys who today told the panel there had been mismanagement in the legal program, Bruce Pederson and Bradley Smolkin, were recently reassigned and demoted from their position as managers.

I am reading from a New York Times article about the Resolution Trust Corporation, which is supposed to recover the money lost from defunct savings and loan associations.

Continuing in the article:

The three lawyers also criticized a draft memorandum prepared last month as part of a Bush Administration review of proposed government guidelines for suing officers and directors of banks and savings and loans. The guidelines, the lawyers said, would make it harder to sue directors who were not full-time employees of an institution.

We have an institutionalized effort to throttle and hamstring the efforts to recover billions of dollars that was stolen out of savings and loans, banks, funds guaranteed by the American taxpayers. It is your money, it is your Government, but your Government, or conspirators within the Government, are seeking to, prevent the recovery of the money. It is open, it is not secret. It is not hidden. This is not the Soviet Union. We do not have to worry about the Secret Service, the secret police bothering us. These people are openly testifying. They are using their constitutional rights. It is on the record. What are we going to do about it? Are these conspiracies forever going to be tolerated here? Are we going to sit and watch while the country is spent into oblivion?

The Soviet Union collapsed. It was a superpower. The bigger they are the harder they fall. So it is possible for a superpower to collapse, for very different reasons. Part of the reason the Soviet Union collapsed was because a handful of decisionmakers operating in closed circles made all of the decisions and were completely oblivious to what was going on in reality with the people. That is part of the reason they collapsed.

We are not in that position. We have an open society. Information flows abundantly. We know what is going on. We know that the savings and loans' boards of directors, executives, stole us blind. We know that. We know we have had to appropriate billions of dollars to make up for what they stole and guaranteed the depositors not sustain those losses. We know that. We know we created the Resolution Trust Corporation to go and recover the money. We know that. We know now that the resolution has been taken over by the very people it is supposed to recover the money from. They are in charge. This is an open, overt conspiracy.

The other overt conspiracy is going on right now in the legislature in the form of the tax giveaways with respect to the Revenue Act of 1992.

I pause at this point as I beg all of you to take time out to evaluate, to examine what has been going on here in Washington, stop listening to the speeches. They are all canned at this point; we know exactly what they are going to say. They are going to tell us we have no money for health care. The Democrats say we should have health care that every family can afford. But Democrats are not defining what "affords" means. Why not have health care for every family and guarantee that the health care is there? Well, we have no money. We are giving it away. We are giving away billions of dollars in tax breaks. We are spending $17 billion, $34 billion in tax breaks for the rich. We are making the richest people richer. Why not save some of that money and put it into health care? You are going to hear that there is no money, there is no money for the cities, there is no money for the cities. We use the cities' plight as an excuse to give away even more money to the rich.

Let me read to you from the 1992 Democratic platform. It is called A New Covenant with the American People. I want you to know that I am not alone in my spirit, in my sentiments, that there are people who feel that something is radically wrong, and they are in high positions. People who wrote the Democratic platform feel the same way I do, in general. Listen, listen to the preamble of the 1992 Democratic platform, "A New Covenant with the American People":

Two hundreds summers ago this Democratic Party was founded by the man whose burning pen fired the spirit of the American Revolution—who once argued we should overthrow our Government every 20 years to renew our freedom and to keep pace with a changing world. In 1992, the party Thomas Jefferson founded invokes his spirit of revolution anew.

I am reading from the Democratic Party platform preamble:

Our land reverberates with a battle cry of frustration that emanates from America's very soul, from the families in our bedrock neighborhoods, from the unsung workaday heroes of the world's greatest democracy and economy. America is on the wrong track. The American people are hurting. The American dream of expanding opportunity has faded. Middle-class families are working hard, playing by the rules, but still falling behind. Poverty has exploded. Our people are torn by divisions."

Further on it says:

We hear the anguish and the anger of the American people. We know it is directed not just at the Republican Administrations that have had the power but at Government itself. Their anger is justified. We can no longer afford business as usual—neither the policies of the last 12 years of tax breaks for the rich, mismanagement, lack of leadership and cuts in services for the middle class and the poor, nor the adoption of new programs and new spending without new thinking. It is time to listen to the grassroots of America,

time to renew the spirit of citizen activism that has always been the touchstone of a free and democratic society.

□ 1820

I am reading, my colleagues, from the 1992 Democratic platform, A New Covenant with the American People, excerpts from the preamble, I think that they are very much in order here at this point. I think they are very much in order at this point as we reexamine what has happened here the past year, all of these ringing truths, and I agree with every word of the Democratic preamble. The spirit of it is definitely correct. But where are the actions?

The policies of the last 12 years of tax breaks for the rich have accelerated in the last few weeks. We are giving bigger tax breaks for the rich than ever before. The House bill, H.R. 11, passed by a vote of 356 to 55, and of the $17 billion, only 2.5 billion of the tax breaks have anything to do with the original purpose of the bill: to help our cities. The rest of it are giveaways to the richest people of America so they get richer.

And now the other body is about to double that amount from 17 to about $34 billion in giveaways to the rich right before our very eyes while the speeches are being made and the preambles are being written. Right before our eyes the open robbery continues, the riot continues, the orgy of tax spending goes on. The very same people who would spend the day debating an increase in the amount of money we give for cancer research or the amount of money we provide for immunizations for young children, school age children, and say we are broke, we cannot afford it; the very people who insist we cannot afford universal health care, we cannot cover it, we cannot be like Canada, we cannot be like Japan or Germany; they say, "We cannot afford it. It would cost too much." These are the very same people who are giving away billions of dollars. They are big spenders because tax expenditures are equal to other expenditures in an economy like ours.

Mr. Speaker, we must come to grips with the fact that these open conspiracies must be confronted. Somebody has to represent the grassroots in Washington. The grassroots themselves had better communicate to the law makers over this recess period that they are aware of what is going on and they do not like it. I would tell them, understand every time you're told there's no money for health care that it's a big lie. Understand that if the Democratic leadership prepares a plan for health care and the plan does not provide for the coverage of every American citizen, they're only saying the plan will cover half of the uncovered by 1998, but they make no attempt to cover everybody as they do in Canada, or Great Britain or Germany. If they tell us they can't ever cover all the people because it will cost too much, confront them with the fact that we're giving away billions, that there's always enough money to take care of the lobbyists who line up at the Ways and Means Committee. There's always enough money to take care of the lobbyists who line up at the Finance Committee. Somehow ways will be found to meet their needs.

We have to understand that these open conspiracies are the cause of our anger and our hurt. There is a direct relationship between what goes on here openly before our very eyes and what we feel out there in the communities.

Nobody is waging an intense effort to deal with the unemployment in our States. Alaska has unemployment of 9.2 percent; California, 8.7 percent. There was a time when we thought anything above 4 percent was a major crisis, but we are quietly accepting unemployment in the District of Columbia at 8.5 percent; Massachusetts, 8.1 percent; Michigan, 8.3 percent; New Jersey, 8.8 percent; New York, 8.1 percent. And when we have unemployment in a big region like the State of New York or the State of New Jersey, a large State, then we get into the inner city communities, and the unemployment rate is usually double that of the unemployment rate for the whole State. Rhode Island is 9.4 percent; West Virginia, 11.1 percent unemployment. There are no intense efforts being mounted in Washington to deal with this unemployment crisis except through the back door.

They tell us that the billions of dollars of tax giveaways, $17 billion in the House, and now $34 billion may be in the Senate, that they will somehow stimulate the economy and one day jobs will be created. We have heard that argument before. That is how we got where we are. That is why we are in the position we are today. The trickle-down theory is that, if we take care of the rich and keep on giving enough to them, we will have eventually some benefits created for the poor.

Mr. Speaker, even among the Republicans Jack Kemp has said that under the criteria that we are using in the Tax Revenue Act of 1992 Los Angeles might not even qualify for any of the aid. The head of the minority in the other body, Mr. DOLE, said following the committee action—he characterized the enterprise zone provisions as being very anemic. The provision that is supposed to provide aid for the cities, even the other side of the aisle admits are ridiculous.

The excuse: The uprising in Los Angeles, the violence in Los Angeles. That excuse is being used to make the rich richer. I can think of nothing more cynical, I can think of no plot more dastardly, I can think of nothing that I have seen in the time that I have been here that is more frightening, to use the suffering, and the anger and the outrage of the people on the bottom, the poorest people, as an excuse to make the rich richer. To even go that far is beyond the cynicism of what was previously taking place here.

All this takes place in an atmosphere where the savings and loan association goes completely unnoticed. Americans accuse those who are working for savings and loan associations, accuse the Resolution Trust Corporation, of conspiring to thwart the mission of the agency. All this take place in an atmosphere where BCCI, the head of the bank, one of the largest banks in Washington, is indicted in the BCCI scandal. All this takes place in an atmosphere where the Attorney General has refused to even appoint a special prosecutor to look at what took place in the case of the largest amounts of unauthorized expenditures for Iran which led to the building up of the war machinery in Iran.

Conspiracy on top of conspiracy, networks of conspiracies. I tell the Americans, "Take a hard look into Government. Throw away your civics books from high school and start examining what's going on. We are witnessing the destruction of our country before our very eyes. There's a riot here in Washington, and the looters are making off with your children's future."

THE CONCERNS OF FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JONTZ] is recognized for 60 minutes.

Mr. JONTZ. Mr. Speaker, I want to take a moment to compliment the gentleman from New York [Mr. OWENS] on his eloquent statement this evening on the problems facing our country, particularly those problems facing the residents of our great cities, and I share his observation that we have the resources, we do have the means to address the problem that citizens in our cities face, and I want to speak for a moment now about some of the problems that face all the residents of our country, particularly those who make their living in agriculture. The Fifth District of Indiana that I represent has a very significant farm population. The concerns of the farmers in my district are very similar to the concerns of farmers all across the country.

□ 1830

I would say the major concern, the major issue, that has our Nation's farmers upset at the present time is low farm prices. The prices that farmers receive for the commodities that they produce have been going down while the cost of production has been going up. There is very real economic pain on the farm today. Our Nation's agricultural policies have not worked. We have not ensured that the farmers

who make a significant investment in time, labor, in management, expertise, and in the capital of their farming operation, has a fair opportunity to earn a profit. For that reason we need to change the agricultural policies of our country.

The second issue that I have heard more from agricultural producers in my district about over the past year than any other has been the issue of wetlands.

Mr. Speaker, farmers in my district and across the country feel that our Nation's wetlands policies are confusing, that they are unfair. Farmers feel that they are being asked to do more than their fair share in protecting our Nation's wetlands.

Farmers were upset this last year when they began to receive wetlands delineation notices from the Department of Agriculture. Farmers feel that common sense has not been used in the implementation of our wetlands laws.

I understand the concerns of agricultural producers in my district and I agree with them, that our wetlands policies have not been successful and need to be changed. However, I feel that some in the agricultural community have been pursuing the wrong solution to the wetlands issue by supporting legislation which would help the developers, would help the oil companies, would help industry, and would help others, but would do very little for the problems facing the farmer when it comes to wetlands.

The bill that I am speaking about is H.R. 1330, the Hayes-Ridge bill. This bill would amend section 404 of the Clean Water Act in several ways by providing for the classification of wetlands based on their value and also by providing for the purchase by the Federal Treasury of the highest quality wetlands at a cost estimated by the CBO of from $10 to $15 billion.

Mr. Speaker, there are two reasons why this approach will not help the agricultural producers of this country. First, the problems facing farmers relate primarily to the swampbuster provisions of the farm bill concerning wetlands, not to section 404 of the Clean Water Act.

Section 404 of the Clean Water Act does not discriminate against farmers. What section 404 requires is for anyone who wishes to fill a wetland to obtain a permit from the Army Corps of Engineers. In fact, general farming activities are exempt from section 404.

I am sure there are farmers who have problems with obtaining permits under section 404, but my experience in northern Indiana is that most farmers have a lot more to be concerned about with the swampbuster provisions of the farm bill rather than section 404 of the Clean Water Act.

The second fallacy of H.R. 1330 is that we cannot afford it. The Congress this year has not appropriated even one dime for the existing Wetlands Reserve Program, which is the current program to make payments to farmers for wetlands which they voluntarily protect.

I offered an amendment to the agricultural appropriations bill on the floor of the House just a few weeks ago to maintain the current level of $46 million for the wetlands reserve program. That amendment was defeated. the Senate in the Agriculture appropriations bill did include $55 million for the Wetlands Reserve Program, but the conference committee on that bill deleted those funds. Just yesterday when this House approved the conference committee on the Agriculture appropriations bill, we approved a bill which would include no funding for the Wetlands Reserve Program.

So the program which is supposed to enroll 1 million acres will at the end of its second year have 50,000 acres enrolled. Somehow, in spite of our experience with the Wetland Reserve Program, which is falling so short of its goals because of the reluctance of Congress to appropriate funds, in spite of this experience, somehow the Federal Treasury is suppose to bear the cost under the Hayes-Ridge bill of acquiring anywhere from 9- to 16-million acres of wetlands in this country at a cost of $10 to $15 billion. That just is not going to happen. I think that the agricultural producers of our country should recognize that.

Farmers do have many valid points in their criticism of existing wetlands policy. One is that the minimal effects provision of the swampbuster program, which was expanded as a part of the farmer friendly amendments to the swampbuster which we passed as a part of the 1990 farm bill, has not been properly implemented.

Another valid complaint that farmers have with the swampbuster program is that it arbitrarily halts further activities on the part of the producer to improve drainage, regardless of the value of the wetlands which are affected.

Now, to put this in context, it is important to point out that the swampbuster program only affects those agricultural producers who choose to participate in the farm program. If you do not want to live by the requirements of the swampbuster law, you can avoid them by getting out or by staying out of the farm program.

Now, one must recall when the Congress wrote the swampbuster requirement in the 1985 farm bill that our Nation was in a period of large agricultural surpluses. I was not in the Congress in 1985 and thus was not involved in crafting this swampbuster provision. But the arguments that were successful when this provision was written were that it did not make any sense in times of agricultural surplus to allow farmers who were participating in the farm program and putting land into the set-aside program and taking other steps to keep their production in control to turn right around and then drain wetlands that increased their production on other acres.

The argument was that this was a contradiction, to require farmers to take land out of production on the one hand and then turn around and allow them to plow up new land, called the sodbuster law, or to drain wetlands, which is called the swampbuster law.

The existing law, the 1990 farm bill, particularly absent the use of the minimal effect provision, simply draws the line at whatever drainage currently exists. After a scope and effects determination by the Soil Conservation Service, the producer may be allowed to restore drainage to what it once was, but the producer is not going to be allowed under the swampbuster provision to increase drainage regardless of what the value may be of the wetlands that would be affected.

I think this is the main problem that agricultural producers today have with out wetland laws. Grandfather drained part of the farm, dad drained part of the farm, and the agricultural producer of today wants to drain part of the farm, too, but the swampbuster does not allow him to do that.

Some critics of the law believe that if it does not look like a swamp, then it is not a wetland. That simply is not true. I believe that both section 404 and the swampbuster program should use a unified definition, a scientifically based functional definition of wetlands. This definition will definitely include some land which has standing water only a portion of the year. But permanent standing water is not really what determines scientifically whether an area is a wetland or functionally whether an area is a wetland.

I support efforts to fund work by the National Academy of Science to produce a scientifically workable definition and delineation manual, because anything less than that will only result in further problems. In fact, the independent agencies funding bill that this House passed a few days ago provides an appropriation of $500,000 to the EPA for such a study. I think it would be enormously helpful in seeing that we have scientifically based definitions of wetlands.

That being said, I do believe the agriculture interests have a valid argument that the standards that they have to meet under the swampbuster program is a different standard than everyone else has to meet under section 404 of the Clean Water Act. There is no question about it, thousands of acres of valuable wetlands are destroyed by nonagriculture interests because of the loopholes in section 404. One of those loopholes pertains only to filling wetlands. Other activities which may destroy wetland values are not covered under section 404.

□ 1840

And section 404, to repeat, allows wetlands to be filled if the party receives a permit from the Corps of Engineers. So just because section 404 regulates the filling of wetlands does not mean it prevents the filling of wetlands. An individual can obtain a permit to fill a wetland; that happens every day. Most of the permits that are sought, in fact, are granted. And we are losing wetlands because of the weakness of section 404 of the Clean Water Act.

So my suggestion to our Nation's farm groups and the individuals they represent is this, take another look at the Hayes-Ridge bill. Is continuing your alliance with the other parties who want to loosen up section 404 really what is best for the agricultural producers of our Nation? Why not investigate whether environmental groups might agree to some additional flexibility in the swamp buster law in return for support in the agricultural community for making needed improvements in section 404?

The environmental community is very much aware that while the debate over swamp buster continues, they are losing much larger and in many cases more important wetlands as a result of the weaknesses of section 404.

I personally believe that there are many ways to make both the swamp buster and section 404 provisions, as they regulate wetlands, work better. I think we can achieve the President's objective of no net loss of wetlands and, at the same time, make it possible for agricultural producers to have more flexibility under the swamp buster requirements.

One of the points I often make to my nonrural colleagues in this House is that the farm program is not a welfare program. The farmer just does not go into the ASCS office and pick up a check. The farm program participation is a two-way street. It is a contract between the Government and the agricultural producers by which each gains benefits.

The farmer gains the benefits of farm payments, which help to supplement his income in these very difficult economic times. The farmer also gains the benefit of production-control strategies which help to improve prices. Even as low as prices are today, they would be lower if it were not for the provisions of the farm program.

What does the public gain? The public gains the benefit of agricultural production practices which conserve our Nation's resources and protect environmental values. We require the farmer to engage in conservation compliance. We require the farmer to engage in set-asides. We require the farmer to take these steps and others to ensure that the value of his farm for producing agricultural commodities is perpetuated and sustained for the benefit of future generations.

In addition, the consumers of our Nation, as a result of our farm program, also are guaranteed a dependable food supply. And I might add, a very affordable food supply compared to the cost of food in other nations around the world.

It is in the best interests of our country to make the farm program work, and that includes ironing out the problems with swamp buster. That is not going to be accomplished by H.R. 1330. It can be accomplished by discussions between agricultural and environmental interests who, by working together, can address the problems that farmers now have with swamp buster and in turn strengthen the provisions of section 404 of the Clean Water Act, which now allow other interests to get away with destroying wetlands which the farmer would never be allowed to do under the farm bill.

I do not want the leave the impression that swamp buster is not an important law in protecting our wetlands. I do not want to leave the impression that some of the smaller areas which initially might not to the farmer appear to be valuable as wetlands are without value. They may be very valuable in terms of maintaining the hydrologic balance, in terms of wildlife, in terms of preventing pollution. And if they do serve these functions, then they should be protected under the swamp buster program.

But I believe that we can put some additional flexibility in swamp buster to allow farmers to have greater flexibility in their farming operations and, at the same time, protect the wetlands values which the swamp buster law is designed to do.

Mr. Speaker, I have often assumed the sometimes lonely role on the House Committee on Agriculture of trying to work out the differences between agricultural and environmental interests. I believe that our Nation's farmers are correct when they express their commitment to conserving our environment. Most farmers in the Fifth District which I represent, and I believe this is true of agricultural producers nationwide, do feel strongly about conserving our resources. And they are committed to protecting our Nation's wetlands as well as our Nation's waters and soils.

I think that farmers in this country are willing to take reasonable, commonsense steps toward that end. At the same time, I believe that the environmental community in our country speaks for the interests of most Americans when they insist that we take seriously our responsibilities to future generations to be good stewards of the land.

I do not find the expressed interest of the environmental groups to be something that is dangerous to the agricultural community in our country. I think, in fact, that the environmental groups understand that we have to take common steps to deal with these problems because if the solutions we propose to the environmental issues that face agriculture do not work, then they do not accomplish the purposes for which they are intended.

It is disappointing to me that there are some in the agricultural community who persist in identifying environmentalists as an enemy. Rather than trying to work things out, there are some who see prolonging conflicts as best serving their interests. I do not believe that is true. I believe that agricultural-environmental interests can work together on the wetlands issue, on the clean water issue, on many other issues, because their mutual objectives are very much compatible.

Regrettably, there is not time remaining in the 102d Congress to resolve the differences over wetlands. We are not going to see the farm bill opened up. We are not going to see changes made in the swamp buster program. But the issue of wetlands should be a high priority for the Committee on Agriculture, for the Committee on Public Works and Transportation, and for the other committees of the 103d Congress that have jurisdiction over these issues.

I believe that by reformulating swampbuster and by strengthening section 404 of the Clean Water Act, we can devise the wetlands policy which better serves our agricultural producers, which allows them to continue to produce the food and fiber that our Nation depends on, hopefully, with better farm prices which will allow them to make a profit which they very much deserve, and protect wetlands, which are in the best interests of not just this generation but of future generations as well.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GINGRICH (at the request of Mr. MICHEL) for today on account of injuries from an automobile accident.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family emergency.

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. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 5 minutes today, in lieu of 60-minute special order previously approved.

Mrs. MORELLA, for 5 minutes, today.

Mr. HUNTER, for 30 minutes, today.

Mr. DORNAN of California, for 5 minutes today, in lieu of 60-minute special order previously approved.

Mr. EMERSON, for 5 minutes, today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. CARPER, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 30 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PEASE, 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. MACHTLEY) and to include extraneous matter:)

Mr. BURTON of Indiana.
Mr. ALLARD.
Mr. DICKINSON.
Mr. BLILEY.
Mr. BAKER.
Mrs. MORELLA.
Ms. SNOWE in two instances.
Mr. HORTON in three instances.
Mr. LAGOMARSINO.
Mr. HYDE in two instances.
Mr. HUNTER.
Mr. GEKAS in three instances.
Mr. CAMPBELL of California.
Mr. MICHEL.
Mr. GILMAN.
Mr. SOLOMON.
Mr. EMERSON in five instances.
Mr. YOUNG of Alaska.
Mr. CRANE.
Mr. THOMAS of California.
Ms. ROS-LEHTINEN in two instances.
Ms. MOLINARI.
Mrs. BENTLEY.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. VENTO.
Mr. VISCLOSKY.
Mr. FALEOMAVAEGA.
Mr. LEVINE of California.
Mr. BLACKWELL.
Mr. TRAFICANT.
Mr. LANTOS in seven instances.
Mr. CLAY.
Mr. GUARINI.
Mr. YATRON.
Mr. KANJORSKI in two instances.
Mr. DOWNEY.
Mr. SOLARZ.
Mr. JOHNSON of South Dakota.
Mr. MONTGOMERY.
Mr. OBEY.
Mr. ANNUNZIO.
Mr. EVANS.
Mr. SKELTON.
Mr. MARKEY in two instances.
Mr. ORTIZ.
Mr. HOCHBRUECKNER.
Mr. SKAGGS.
Mr. EARLY.
Mr. FOLEY.
Mr. STUDDS in two instances.
Mr. HOYER.
Mr. NOWAK.
Mr. EDWARDS of California.
Mr. ACKERMAN.
Mr. BONIOR in two isntances.
Mr. NEAL of Massachusetts.
Mr. BEILENSON.
Mr. ROYBAL.
Mr. FOGLIETTA in two instances.
Mr. FASCELL in two instances.
Mr. LAFALCE.
Ms. OAKAR.
Mr. SABO.
Mr. ROEMER.
Mr. SWETT in two instances.
Mr. TOWNS.
Mr. HAMILTON.
Mr. PALLONE.
Mr. SCHUMER.
Mr. HUBBARD.
Mr. MCNULTY.
Mr. LANTOS in five instances.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5487. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1993, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 544. An act to protect animal enterprises;

S. 807. An act to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years; and

S. 3112. An act to amend the Public Health Service Act to make certain technical corrections, and for other purposes.

ADJOURNMENT

Mr. JONTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. ENGEL). Pursuant to the provisions of Senate Concurrent Resolution 135 of the 102d Congress, the House stands adjourned until 12 noon, Wednesday, September 9, 1992.

Thereupon (at 6 o'clock and 47 minutes p.m.), pursuant to Senate Concurrent Resolution 135, the House adjourned until Wednesday, September 9, 1992, at 12 noon.

ADDITIONAL APPOINTMENTS AS MEMBERS OF THE GLASS CEILING COMMISSION

Pursuant to the provisions of section 203(B)(1) of Public Law 102-166, and the order of the House of Wednesday, August 12, 1992, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker and Senate majority leader on August 12, 1992, did jointly appoint to the Glass Ceiling Commission the following individuals: Ms. Jean Ledwith King of Ann Arbor, MI; Ms. Beverly A. King of Culver City, CA; and Ms. Judith L. Lichtman of Washington, DC.

These appointments are in addition to those made to the Commission on July 22, 1992.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various committees of the United States House of Representatives concerning the foreign currencies used by them for official foreign travel during the first and second quarters of 1992 pursuant to Public Law 95-354 and the consolidated report of official foreign travel authorized by the Speaker of the U.S. House during the second quarter of 1992 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 21, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other Purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Korea and Japan, Feb. 11–16, 1991:											
Delegation expenses	2/13	2/16	Japan				1,293.93		338.91		1,632.84
Committee total							1,293.93		338.91		1,632.84
Visit to Germany, Czechslovakia, Austria, France, and Spain, Feb. 7–18, 1992:											
Delegation expenses	2/11	2/13	Czechsolovakia				101.35		4.16		105.51
	2/16	2/17	Spain				221.03		780.99		1,002.02
Committee total							322.38		785.15		1,107.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1992.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
McCurdy delegation	1/10	1/13	Africa				1,311.68				1,311.68
Committee totals							1,311.68				1,311.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY. Chairman, July 29,1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Coleman	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Hon. E de la Garza	2/1	2/2	Mexico		286.50		(3)				286.50
Marshall Livingston	2/1	2/2	Mexico		286.50		(3)				286.50
Committee total					2,691.00						2,691.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

E de la GARZA, Chairman, Apr. 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany and Italy Apr. 13–17, 1992:											
Clark A. Murdock	4/13.	4/16.	Germany		225.00						225.00
	4/16.	4/17.	Italy		333.00						333.00
Commercial airfare							3,052.70				3,052.70
Vernon A. Guidry	4/13.	4/16.	Germany		225.00						225.00
	4/16.	4/17.	Italy		333.00						333.00
Commercial airfare							3,052.70				3,052.70
Visit to France, Apr. 11–14 and 18–19, 1992:											
Hon. Les Aspin	4/11.	4/14.	France		762.00						762.00
	4/18.	4/19.	France		254.00		15.68				269.68
Visit to Canada, Apr. 14–18, 1992:											
Hon. H. Martin Lancaster	4/14.	4/18.	Canada		972.00						972.00
Hon. Floyd Spence	4/14	4/18.	Canada		972.00						972.00
Hon. Dennis M. Hertel	4/14.	4/18.	Canada		972.00						972.00
Ronald J. Bartek	4/14.	4/18.	Canada		972.00						972.00
Mary C. Redfern	4/14.	4/18.	Canada		972.00						972.00
Committee total					6,992.00		6,121.08				13,113.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William Lehman	4/13	4/16	Latvia, Estonia, Lithuania		765.00						765.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/16	4/19	Poland		576.00						576.00
Transportation provided by military aircraft							(3)				
Hon. John Murtha	5/3	5/3	Panama				1,490.00				1,490.00
Transportation provided by military aircraft							(3)				
Gregory Dahlberg	4/12	4/13	Russia		346.00						346.00
	4/13	4/15	Ukraine		488.00						488.00
	4/15	4/16	Germany		316.00						316.00
Commercial air transportation							4,660.00				4,660.00
Robert V. Davis	4/12	4/13	Russia		358.00						358.00
	4/13	4/15	Ukraine		488.00						488.00
	4/15	4/16	Uzbekistan		197.00						197.00
	4/16	4/22	Greece		957.00						957.00
Commercial air transportation							8,907.00				8,907.00
Richard N. Malow	4/10	4/15	Costa Rica		860.00						860.00
Commercial air transportation							569.00				569.00
Juliet Pacquing	4/12	4/16	Turkey		583.00						583.00
	4/16	4/21	Greece		754.00						754.00
	4/21	4/24	Spain		386.00						386.00
	4/24	4/25	Portugal		278.00						278.00
Commercial air transportation							4,558.70				4,558.70
Timothy Peterson	4/11	4/15	Denmark		616.00						616.00
	4/15	4/15	Norway		91.00						91.00
	4/15	4/16	Denmark		154.00						154.00
	4/16	4/21	Greece		754.00						754.00
	4/21	4/22	Spain		75.00						75.00
	4/22	4/24	Germany		460.00						460.00
Commercial air transportation							4,639.37				4,639.37
John Plashal	5/3	5/3	Panama				1,490.00				1,490.00
Military air transportation							(4)				
William Schuerch	4/13	4/16	Latvia, Estonia, Lithuania		765.00						765.00
	4/16	4/18	Poland		384.00						384.00
Commercial air transportation (Poland to D.C.).							1,152.70				1,152.70
Gregory Walters	5/3	5/3	Panama				1,490.00				1,490.00
Military air transportation							(4)				
Committee total					10,651.00		28,956.77				39,607.77
Appropriations, surveys and investigations staff:											
Henry Avalos	4/20	4/26	England		1,298.50		3,904.00		188.22		5,390.72
	4/26	5/2	Austria		967.00						967.00
G. Carter Baird	4/20	4/24	England		800.25		3,904.00		85.08		4,789.33
	5/24	5/29	Belgium		915.00		3,047.00		112.92		4,074.92
Thomas K. Baker	4/3	4/10	France		1,174.25		3,940.00		343.75		5,458.00
	4/10	4/15	Switzerland		887.25						887.25
	4/15	4/17	Spain		372.75						372.75
	4/17	4/25	England		1,872.75						1,872.75
	6/1	6/5	Japan		912.00		4,336.00		150.56		5,398.56
	6/5	6/9	Malaysia		565.25						565.25
	6/9	6/11	Bangladesh		260.75						260.75
	6/11	6/12	Thailand		175.50						175.50
Catherine A. Basl	6/6	6/12	Germany		852.75		3,445.32		24.20		4,322.27
Roger T. Castonguay	4/20	4/26	France		1,121.00		3,396.00		133.00		4,650.00
	4/26	5/2	Austria		1,008.50						1,008.50
	5/24	5/30	Belgium		1,152.50		3,406.40		127.83		4,686.73
	5/30	6/6	Italy		1,870.25						1,870.25
Gerald T. Coughlin	4/20	4/26	England		1,298.50		3,904.00		210.39		5,412.89
	4/26	4/30	Austria		635.00						635.00
Alfred L. Esposito	4/3	4/9	Israel		1,198.00		3,025.40		60.84		4,284.24
	4/9	4/11	Cyprus		226.00						226.00
	4/11	4/12	France		153.00						153.00
Anthony J Gabriel	4/20	4/26	France		1,121.00		3,396.00		172.72		4,689.72
	4/26	5/2	Austria		1,008.50						1,008.50
	5/24	5/30	Belgium		1,152.50		3,406.40		120.76		4,679.66
	5/30	6/6	Italy		1,870.25						1,870.25
Charles V. Gorsey	4/3	4/9	Israel		1,198.00		3,025.40		27.00		4,250.40
	4/9	4/11	Cyprus		226.00						226.00
	4/11	4/12	France		153.00						153.00
Dennis K. Lutz	6/6	6/12	Germany		852.75		3,445.32		46.20		4,344.27
Robert H. Pearre	5/8	5/12	Japan		952.00		3,189.00		113.99		4,254.99
	5/12	5/15	Thailand		489.00						489.00
Vincent J. Pistolessi	4/3	4/9	Israel		1,198.00		3,025.40		68.00		4,291.40
	4/9	4/11	Cyprus		226.00						226.00
	4/11	4/12	France		153.00						153.00
Thomas R. Reilly	5/8	5/12	Japan		952.00		3,189.00		105.21		4,246.21
	5/12	5/15	Thailand		489.00						489.00
Robert J. Reitwiesner	4/3	4/10	France		1,174.25		3,658.12		358.08		5,190.45
	4/10	4/15	Switzerland		887.25						887.25
	4/15	4/17	Spain		426.00						426.00
	4/17	4/22	Belgium		997.50						997.50
	4/22	4/24	Netherlands		325.25						325.25
	6/1	6/5	Japan		912.00		4,336.00		167.04		5,415.04
	6/5	6/9	Malaysia		565.25						565.25
	6/9	6/11	Bangladesh		260.75						260.75
	6/11	6/12	Thailand		175.50						175.50
Philip P. Rittman	4/3	4/8	France		917.00		3,961.30		609.13		5,487.43
	4/8	4/10	Switzerland		408.00						408.00
	4/10	4/14	Monaco		1,080.00						1,080.00
	4/14	4/17	Italy		774.00						774.00
	4/17	4/25	England		1,828.50						1,828.50
R.W. Vandergrift, Jr	4/11	4/14	Russia		524.00		4,195.40		133.59		4,853.49
	4/14	4/15	Ukraine		291.00						291.00
	4/15	4/16	Uzbekistan		112.00						112.00
	4/16	4/17	Germany		225.00						225.00
Thomas L. Van Derslice	4/20	4/25	France		929.50		3,218.73		44.30		4,192.53
Kenneth P. Walton	4/3	4/8	France		917.00		3,644.81		381.24		4,943.05
	4/8	4/10	Switzerland		408.00						408.00
	4/10	4/14	Monaco		1,080.00						1,080.00
	4/14	4/17	Italy		774.00						774.00
	4/17	4/22	Belgium		997.50						997.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/22	4/24	Netherlands		325.25						325.25
Ben A. Weaver	4/3	4/9	Israel		1,198.00		3,025.40		130.05		4,353.45
	4/9	4/11	Cyprus		226.00						226.00
	4/11	4/12	France		153.00						153.00
L. Michael Welsh	4/3	4/9	Israel		1,198.00		3,025.40		61.55		4,284.95
	4/9	4/11	Cyprus		226.00						226.00
	4/11	4/12	France		153.00						153.00
Committee total					52,226.75		88,049.80		3,975.65		144,252.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by military aircraft.
[4] Military aircraft.

JAMIE L. WHITTEN, Chairman, July 20, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Joan Kois Woodward	4/10	4/15	Hungary		1,035.00		[3]3,199.40				4,234.40
Ron Boster	4/10	4/14	Hungary		828.00		[3]3,199.40				4,027.40
Committee total					1,863.00		6,398.80				8,261.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial.

LEON E. PANETTA, Chairman, July 29, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rochelle Wilkie Martinez	3/31	4/3	Canada	499.54	424.61		385.93			499.54	810.54
Carl E. Anderson, Jr.	3/31	4/4	Canada	922.25	775.00		435.43			922.25	1,210.43
Committee total					1,199.61		821.36				2,020.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM L. CLAY, Chairman, July 9, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Calvin R. Humphrey, staff	4/27	5/1	Europe		834.00		2,957.00				3,791.00
W. Ross Newland, staff	4/27	5/1	Europe		834.00		2,957.00				3,791.00
Committee total				1,668.00		5,914.00				7,582.00	

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY, Chairman, July 29, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Amitay		5/21	United States				4,050.00				4,050.00
	5/22	5/23	Russia		340.00						340.00
	5/23	5/25	Turkmenistan		320.00						320.00
	5/25	5/27	Kazakhstan		320.00						320.00
	5/27	5/29	Kyrgyzstan		320.00						320.00
	5/29	5/30	United Kingdom		250.00						250.00
Patricia Carley		3/21	United States				3,418.85				3,418.85
	3/22	4/10	Finland		2,451.00				[3]878.37		3,329.37
		5/21	United States				2,979.00				2,979.00
	5/22	5/23	Russia		290.00						290.00
	5/23	5/25	Turkmenistan		270.00						270.00
	5/25	5/27	Kazakhstan		270.00						270.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/27	5/29	Kyrgyzstan		270.00						270.00
Orest Deychakiwsky		3/21	United States				3,190.00				3,190.00
	3/22	4/4	Finland		1,677.00				[3]600.99		2,277.99
David Evans		4/30	United States				3,112.00				3,112.00
	5/1	5/9	Finland		1,328.00		609.73		[3]369.84		2,307.57
	5/9	5/16	Russia		1,519.00						1,519.00
	5/16	5/27	Finland		1,826.00		690.86		[3]508.53		3,348.75
									323.36		
		6/24	United States				4,146.00				4,146.00
	6/25	6/26	Russia		358.00				59.90		417.90
	6/26	6/30	Georgia		708.00				66.50		774.50
	6/30	7/2	Moldova		224.00				5.00		229.00
	7/2	7/4	Byelarus		224.00				20.00		244.00
	7/4	7/11	Finland		1,512.00		60.63		[3]323.61		1,896.24
John Finerty		6/24	United States				3,973.00				3,973.00
	6/25	6/26	Russia		358.00						358.00
	6/26	6/30	Georgia		708.00				46.50		754.50
	6/30	7/2	Moldova		224.00						224.00
	7/2	7/4	Byelarus		224.00						224.00
Robert Hand		4/28	United States				1,056.00				1,056.00
	4/29	7/5	Finland		7,426.20				[3]3,097.41		10,523.61
Heather Hurlburt	3/21	4/18	Finland		4,522.00				[3]1,294.44		5,816.44
		5/3	United States				2,886.00				2,886.00
	5/4	7/12	Finland		11,700.00		253.63		[3]3,189.87		15,143.50
Ronald McNamara		3/21	United States				1,230.37				1,230.37
	3/22	4/16	Finland		3,652.00		224.92		[3]1,201.98		5,078.90
Michael Ochs		5/29	United States				2,699.30				2,699.30
	5/30	6/1	Turkey		191.00						191.00
	6/3	6/8	Azerbaijan		800.00						800.00
	6/8	6/9	Turkey		191.00						191.00
		6/24	United States				4,003.80				4,003.80
	6/25	6/26	Russia		358.00						358.00
	6/26	6/30	Georgia		708.00				46.50		754.50
	6/30	7/2	Moldova		224.00						224.00
	7/2	7/4	Byelarus		224.00						224.00
	7/4	7/5	Poland		43.00						43.00
R. Spencer Oliver		6/18	United States				2,838.80				2,838.80
	6/21	6/24	Finland		648.00						648.00
Erika Schlager		4/30	United States				2,987.60				2,987.00
	5/1	7/5	Finland		9,344.20				[3]3,004.95		12,349.15
Victoria Showalter		3/21	United States				1,718.90				1,718.90
	3/22	4/18	Finland		3,890.68		64.80		[3]1,248.21		5,203.69
Samuel Wise		3/23	United States				1,210.00				1,210.00
	3/24	4/10	Finland		2,947.00				[3]785.91		3,732.91
		5/21	United States				2,600.70				2,600.70
	5/22	5/23	Russia		190.00						190.00
	5/23	5/25	Turkmenistan		170.00						170.00
	5/25	5/27	Kazakhstan		170.00						170.00
	5/27	5/29	Kyrgyzstan		170.00						170.00
	5/29	6/13	Finland		2,562.00				[3]693.45		3,255.45
		6/20	United States				2,871.70				2,871.70
	6/21	7/2	Finland		2,068.00		250.54		[3]508.53		2,827.07
	7/2	7/5	Hungary		645.00						645.00
	7/5	7/11	Finland		1,296.00				[3]277.38		1,573.38
Committee total					70,131.08		53,127.13		18,551.23		141,809.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Portion of shared administrative costs for participation on United States delegation to the Helsinki follow-up meeting.

STENY H. HOYER, July 30, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATVIA, ESTONIA, LITHUANIA, AND POLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 12 AND APR. 19, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Martin Frost	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Hon. William Lehman	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Hon. David Price	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Hon. John Paul Hammerschmidt	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Hon. Lucien Nedzi	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Kristi E. Walseth	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Cathy Brickman	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATVIA, ESTONIA, LITHUANIA, AND POLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 12 AND APR. 19, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
William Freeman	4/13	4/16	Latvia		765.00						765.00
	4/14	4/14	Estonia								
	4/16	4/16	Lithuania								
	4/16	4/19	Poland	7,718.400	[3]576.00						576.00
Committee total					10,728.00						10,728.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

MARTIN FROST, May 12, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, AUSTRIA AND GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 20 AND APR. 30 1992

Name of Member or employee	Date		Country	Per Diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Henry Collins	4/21	4/22	Czechoslovakia		75.00						75.00
	4/22	4/26	Austria	7,777.10	664.00						664.00
	4/26	4/28	Germany		[3]604.00						604.00
	4/28	4/30	Czechoslovakia		150.00						150.00
Commercial transportation							3,143.30				3,143.30
William Kinter	4/21	4/22	Czechoslovakia		75.00						75.00
	4/22	4/26	Austria	7,777.10	664.00						664.00
	4/26	4/28	Germany		[3]604.00						604.00
	4/28	4/30	Czechoslovakia		150.00						150.00
Commercial transportation							3,143.30				3,143.30
Susan Zeleniak	4/21	4/22	Czechoslovakia		75.00						75.00
	4/22	4/26	Austria	7,777.10	664.00						664.00
	4/26	4/28	Germany		[3]604.00						604.00
	4/28	4/30	Czechoslovakia		150.00						150.00
Commercial transportation							3,143.30				3,143.30
Committee total					4,479.00		9,429.90				13,908.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes subsistence payments for April 22 thru April 27, 1992.

KRISTI E. WALSETH, May 6, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 5 AND JUNE 8, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Anthony Beilenson	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. Ben Blaz	6/5	6/9	Brazil	1,506			[3]+1.515				3,021
Hon. Cardiss Collins	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. Edward Feighan	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. Bill Green	6/5	6/7	Brazil	753			[3]+2,405				3,158
Hon. Dennis Hertel	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. Constance Morella	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. George Miller	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. John Miller	6/5	6/6	Brazil	753			[3]+635				1,388
Hon. Nancy Pelosi	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. John Porter	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. James Scheuer	6/5	6/8	Brazil	1,255			(3)				1,255
Hon. Gerry Sikorski	6/5	6/8	Brazil	753			[3]+1,571				2,324
Hon. Jolene Unsoeld	6/5	6/8	Brazil	1,255			(3)				1,255
Nancy Carman	6/5	6/8	Brazil	1,255			(3)				1,255
Carol Doherty	6/5	6/8	Brazil	1,255			(3)				1,255
Daniel Finn	6/5	6/8	Brazil	1,255			(3)				1,255
David Finnegan	6/5	6/8	Brazil	1,255			(3)				1,255
Jessica Laverty	6/5	6/8	Brazil	1,255			(3)				1,255
John Lawrence[4]	6/5	6/8	Brazil	1,138			(3)				1,138
Eileen Lee	6/5	6/8	Brazil	1,255			(3)				1,255
Julia Moffett[4]	6/5	6/8	Brazil	1,141			(3)				1,141
Joan Rose	6/5	6/8	Brazil	1,255			(3)				1,255
Daniel Weiss[4]	6/5	6/8	Brazil	986			(3)				986
Committee total					28,365		6,126				34,491
Hon.	6/5	6/8	Brazil				(3)				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Return of unused per diem as follows: Lawrence, $117; Moffett, $114; Weiss, $269.

GEORGE MILLER, June 23, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HUNGARY, AUSTRIA AND BULGARIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 22 AND JULY 11, 1992

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cathy Brickman	6/23	7/6	Hungary	184,328	2,365.00						2,365.00
	6/25	6/27	Austria		210.00						210.00
	7/6	7/11	Bulgaria		1,385.00						1,385.00
Commercial transportation							3,463.00				3,463.00
William Freeman	6/23	7/6	Hungary	184,328	2,365.00						
	6/25	6/27	Austria		210.00						2,365.00
	7/6	7/11	Bulgaria		1,385.00						1,385.00
Commercial transportation							3,463.00				3,463.00
Committee total					7,920.00		6,926.00				14,846.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JAMES P. McGOVERN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 14, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
James P. McGovern	4/10	4/14	El Salvador	3,455.36	421.89		1,185.00				1,687.56
Committee total					421.89		1,185.00				1,687.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES P. McGOVERN, May 6, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REP. CHARLES B. RANGEL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles B. Rangel	5/16	5/18	Bahamas		383.00		(3)				383.00
	5/18	5/19	Haiti		75.00		483.00				558.00
Ground transportation							229.13				229.13
Committee total					458.00		712.13				1,170.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. current is used, enter amount expended.
[3] Military transportation.

CHARLES B. RANGEL, Aug. 4, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROGER R. SZEMRAJ, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 19 AND MAY 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Roger R. Szemraj	5/20	5/26	Poland	10,984,000	796.00						796.00
	5/26	5/29	Hungary	48,810	621.00						621.00
	5/19	5/30					[3] 3,188.70				3,188.70
Committee total					1,417.00		3,188.70				4,605.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] International travel, United States to Poland, Hungary to United States.

ROGER R. SZEMRAJ, June 17, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MEREDITH COOPER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 26, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Meredith Cooper	4/14	4/16	Senegal		690.00						690.00
	4/16	4/21	Cote d'Ivorie		1,052.00						1,052.00
	4/21	4/26	Ghana		2,609.25						2,609.25
Total commercial airfare							4,136.00				4,136.00
Committee Total					4,351.35		4,136.000				8487.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MEREDITH COOPER, Aug. 11, 1992.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4092. A letter from the Secretary, Federal Trade Commission, transmitting an update to the 1991 annual report on the current practices and methods of cigarette advertising and promotion, pursuant to 15 U.S.C. 1331 et seq.; to the Committee on Energy and Commerce.

4093. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 92-32), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4094. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Harry J. Gilmore, of Virginia, to be Ambassador to the Republic of Armenia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4095. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting the annual "Report to Congress on Arms Control and Disarmament Studies," pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIV, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 555. Resolution providing for the consideration of the bill (H.R. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that act, and for other purposes (Report No. 102-840). Referred to the House Calendar.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 5231. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; with an amendment (Rept. 102-841). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 5754. A bill to provide for the conservation and development of water and related resources, to authorize U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes; with an amendment (Rept. 102-842). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3842. A bill to extend the territorial sea and the contiguous zone of the United States, and for other purposes; with an amendment (Rept. 102-843, Pt. 1). Ordered to be printed.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4300. A bill to amend the Stewart B. McKinney Homeless Assistant Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; with an amendment (Rept. 102-844, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 4014. A bill to improve education in the United States by promoting excellence in research, development, and the dissemination of information; with an amendment (Rept. 102-845). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5346. A bill relating to Native Hawaiian Health Care, and for other purposes; with an amendment (Rept. 102-846). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5096. A bill to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled U.S. versus Western Electric, Civil Action No. 82-0192, U.S. District Court for the District of Columbia; and for other purposes; with an amendment (Rept. 102-850). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. BROOKS: Committee on the Judiciary. H.R. 4069. A bill for the relief of Rollins H. Mayer; with an amendment (Rept. 102-847). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 5265. A bill for the relief of Terrill W. Ramsey (Rept. 102-848). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. House Resolution 492. Resolution referring to the bill (H.R. 5426) for the relief of Bear Claw Tribe, Inc. to the chief judge of the U.S. Claims Court; with an amendment (Rept. 102-849). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3927. A bill to extend and revise rulemaking authority with respect to Government securities under the Federal securities laws, and for other purposes; with amendments; the amendments recommended by the Committee on Banking, Finance and Urban Affairs referred to the Committee on Ways and Means for a period ending not later than September 18, 1992, for consideration of such provisions of the amendments, as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 102-722, pt. 2). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4542. A bill to prevent and deter auto theft; with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than September 19, 1992 for consideration of such provisions of the bill and amendment recommended by the Committee on the Judiciary as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X (Rept. 102-851. pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 3927. The amendments recommended by the Committee on Banking, Finance and Urban Affairs referred to the Committee on Ways and Means for a period ending not later than September 18, 1992, for consideration of such provisions of the amendments as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X.

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. ROE (for himself, Mr. MINETA, Mr. GEPHARDT, Mr. BONIOR, Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. MICHEL, and Mr. GINGRICH):

H.R. 5830. A bill to expedite construction of highway projects which provide additional quality jobs; to the Committee on Public Works and Transportation.

By Mr. LAUGHLIN:

H.R. 5831. A bill to designate the Federal building located at 312 South Main Street in Victoria, TX, as the "Martin Luther King, Jr. Federal Building"; to the Committee on Public Works and Transportation.

By Mr. EVANS (for himself, Mr. MARTINEZ, Mr. COSTELLO, Ms. WATERS, Ms. LONG, and Mr. JONTZ):

H.R. 5832. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to establish a Persian Gulf War Health Registry; to the Committee on Veterans' Affairs.

By Mr. LAROCCO:

H.R. 5833. A bill to increase access to health care services for individuals in rural areas, and for other purposes; jointly, to the Committees on Energy and Commerce Ways and Means, and the Judiciary.

By Mr. EWING (for himself and Mr. JONTZ):

H.R. 5834. A bill to amend the Federal Crop Insurance Act to modify the provisions governing yield averages, to provide late planting and prevented planting coverage, and to authorize higher levels of coverage; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.R. 5835. A bill to amend the Truth in Lending Act to limit unauthorized use of credit cards by discouraging theft of credit cards that are mailed; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ALLEN (for himself, Mr. BLILEY, Mr. BATEMAN, Mr. WOLF, and Mr. PICKETT):

H.R. 5836. A bill to transfer title to certain lands in Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of Maine:

H.R. 5837. A bill to provide universal access for all Americans to basic health care services and long-term care services; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor,

Rules, Armed Services, Veterans' Affairs, and Post Office and Civil Service.

By Mr. BLACKWELL:

H.R. 5838. A bill to prevent certain employers from using genetic information to deny employment opportunities; jointly, to the Committees on Education and Labor, Post Office and Civil Service, House Administration, and the Judiciary.

H.R. 5839. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket approval of food derived from genetically modified plants; to the Committee on energy and Commerce.

By Mr. BROOKS (for himself and Mr. FRANK of Massachusetts):

H.R. 5840. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER:

H.R. 5841. A bill to amend the Shipping Act of 1984 to make U.S. shippers more competitive in the global marketplace and to improve the financial well-being of U.S. ocean common carriers by allowing for direct negotiations between shippers and carriers, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS (for himself, Mr. KENNEDY, Mr. DELLUMS, Mr. HORTON, Mr. ABERCROMBIE, Mr. SPRATT, Mr. FORD of Tennessee, Ms. NORTON, Mr. SAVAGE, Mr. STOKES, Mr. ESPY, Mr. DYMALLY, Mr. OWENS of New York, Mr. RAVENEL, Mr. TALLON, Mr. RANGEL, Mr. PAYNE of New Jersey, Mr. TOWNS, Mr. BLACKWELL, Mr. PANETTA, Mr. SPENCE, Mr. WHEAT, Mr. DIXON, Mr. DE LUGO, Mr. TORRICELLI, Mrs. COLLINS of Michigan, Mr. VANDER JAGT, Mrs. PATTERSON, Mr. JACOBS, Mr. WASHINGTON, Mr. JEFFERSON, Mr. RITTER, and Mr. DERRICK):

H.R. 5842. A bill to award a congressional gold medal to John Birks "Dizzy" Gillespie; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CONYERS:

H.R. 5843. A bill to provide that elections for President, Senators, and Members of the Congress be held on Saturday; to the Committee on House Administration.

By Mr. DINGELL (for himself and Mr. TRAXLER):

H.R. 5844. A bill to amend the Agricultural Act of 1949 to compute farm program payment yields based on actual yields, and for other purposes; to the Committee on Agriculture.

By Mr. DORGAN of North Dakota:

H.R. 5845. A bill to establish goals for the award of Federal procurement contracts to rural business concerns, and for other purposes; to the Committee on Government Operations.

By Mr. DOWNEY (for himself, Mr. MILLER of California, Mr. WILLIAMS, and Mr. MATSUI):

H.R. 5846. A bill to increase the number of weeks for which emergency unemployment compensation is payable, and for other purposes; jointly, to the Committee on Ways and Means, Education and Labor, and Energy and Commerce.

By Mr. DOWNEY:

H.R. 5847. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption for student nurses from Social Security and unemployment taxes; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 5848. A bill to prohibit a rental car company from charging a surcharge or fee in a rental agreement for a vehicle based on the residence of the renter; to the Committee on Energy and Commerce.

By Mr. GEKAS:

H.R. 5849. A bill to amend title 28, United States Code, to authorize the office of independent counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL of Texas (for himself, Mr. MCCURDY, and Mr. CUNNINGHAM):

H.R. 5850. A bill to amend the Fair Labor Standards Act of 1938 to ensure that inmates are not treated as employees for purposes of such act; to the Committee on Education and Labor.

By Mr. HORTON (for himself and Mr. CONYERS):

H.R. 5851. A bill to establish the Commission on Information Technology and Paperwork Reduction; to the Committee on Government Operations.

By Mr. HUCKABY (for himself and Mr. ROSE):

H.R. 5852. A bill to establish a 20-percent maximum broken kernel content limit for Public Law 480 rice shipments; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. HUGHES:

H.R. 5853. A bill to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. HUNTER:

H.R. 5854. A bill to provide for uniformity of quality and a substantial reduction in the overall costs of health care in the United States through the development of diagnostic and treatment protocols and the implementation of the protocols in the program under title XVIII of the Social Security Act, the imposition of limitations on the amount of damages that may be paid in a health care liability action, and the mandatory establishment by States of alternative dispute resolution systems to resolve health care liability claims, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. JOHNSON of South Dakota (for himself and Mr. DORGAN of North Dakota):

H.R. 5855. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products containing imported meat be labeled imported, and to require that certain eating establishments serving imported meat inform customers of that fact; to the Committee on Agriculture.

By Mr. JOHNSON of South Dakota (for himself and Mr. MILLER of California and Mr. OWENS of Utah):

H.R. 5856. A bill to authorize the establishment of the Chief Big Foot National memorial Park and the Wounded Knee National Memorial in the State of South Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOSTMAYER:

H.R. 5857. A bill to provide for standards for the cleanup of domestic nuclear energy industry facilities and other radiologically contaminated sites; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. LAFALCE:

H.R. 5858. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MACHTLEY:

H.R. 5859. A bill to amend the Fair Credit Reporting Act to prohibit the inclusion of certain information in files and credit reports relating to consumers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5860. A bill to direct the Secretary of the Army to make a grant to the city of Pawtucket, RI, for replacement and repair of the city's water transmission system; to the Committee on Public Works and Transportation.

By Mr. MANTON:

H.R. 5861. A bill to amend the Truth in Lending Act to limit the unauthorized use of credit cards and the theft of credit cards and other mail from Postal Service facilities; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. MANTON (for himself and Ms. MOLINARI):

H.R. 5862. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure an equitable and timely distribution of benefits to public safety officers; to the Committee on the Judiciary.

By Mr. MANTON:

H.R. 5863. A bill to amend title I of the Marine Protection Research, and Sanctuaries Act of 1972 to ensure that land-based management alternatives for sewage sludge are protective of human health and the environment; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Energy and Commerce.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. APPLEGATE, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, Mr. WYLIE, Mr. PENNY, Mr. STAGGERS, Mr. SMITH of New Jersey, Mr. ROWLAND, Mr. BURTON of Indiana, Mr. SLATTERY, Mr. BILIRAKIS, Mr. HARRIS, Mr. RIDGE, Mrs. PATTERSON, Mr. JAMES, Mr. SANGMEISTER, Mr. STEARNS, Mr. JONES of Georgia, Mr. PAXON, Ms. LONG, Mr. SPENCE, Mr. EDWARDS of Texas, Mr. NICHOLS, Mr. BREWSTER, Mr. SANTORUM, Mr. GEREN of Texas, Mr. CLEMENT, Mr. PICKETT, Mr. BLAZ, and Mrs. MORELLA):

H.R. 5864. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish and maintain a Persian Gulf War Veterans Registry; to the Committee on Veterans' Affairs.

By Mr. MOODY (for himself and Mr. RIDGE):

H.R. 5865. A bill to prohibit the use of appropriated funds to adjust the 1990 decennial census or any intercensal estimates by the Bureau of the Census of the U.S. Department of Commerce; to the Committee on Post Office and Civil Service.

H.R. 5866. A bill to amend title 13, United States Code, to require the Secretary of Commerce to notify the Senate and House of Representatives about changes in the methodology for producing numbers used in any Federal funding formula; to the Committee on Post Office and Civil Service.

By Mr. MOODY:

H.R. 5867. A bill to amend title XVIII of the Social Security Act to require as a condition of participation in the Medicare Program that hospitals disclose the costs incurred by the hospital in providing services to patients; to the Committee on Ways and Means.

By Mr. MRAZEK (for himself, Mr. BERMAN, Mr. CONYERS, Mr. FEIGHAN, Mr.

FRANK of Massachusetts, Mr. BRYANT, Mr. BEILENSON, Mr. FROST, Mr. MILLER of California, Mrs. MINK, Mr. SERRANO, Mr. SHAYS, Mrs. LOWEY of New York, Mr. KOSTMAYER, Mr. HOCHBRUECKNER, Mr. ABERCROMBIE, Mr. KOPETSKI, Mr. DURBIN, and Mr. ATKINS):

H.R. 5868. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", enacted July 5, 1946 (commonly known as the Lanham Act), to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 5869. A bill to authorize the Secretary of the Interior to acquire certain real property in Fayette County, PA, Monongalia County, WV, and Preston County, WV; to the Committee on Interior and Insular Affairs.

By Ms. NORTON:

H.R. 5870. A bill to require the Administrator of General Services, the Director of the National Park Service, the Architect of the Capitol, and the Secretary of the Smithsonian Institution to provide notice to the District of Columbia before carrying out any activity affecting property located in the District of Columbia, and for other purposes; jointly, to the Committee on Interior and Insular Affairs, Public Works and Transportation, House Administration, and the District of Columbia.

By Ms. OAKAR:

H.R. 5871. A bill to provide for more effective use of U.S. contributions to the International Monetary Fund, to provide for a U.S. contribution to the International Finance Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5872. A bill to require the Secretary of the Treasury to mint coins in commemoration of women who have served in the Armed Forces of the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5873. A bill to provide for more effective use of U.S. contributions to the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ORTIZ:

H.R. 5874. A bill to establish a wetlands center at the Port of Brownsville, TX, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PALLONE (for himself, Mr. FROST, and Mr. HERTEL):

H.R. 5875. A bill to establish the National Environmental Sciences and Technology Agency, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. PELOSI:

H.R. 5876. A bill to assist the States in the enactment of legislation to address the criminal act of stalking; to the Committee on Judiciary.

By Ms. PELOSI (for herself, Mr. MINETA, Mr. BERMAN, Mrs. BOXER, Mr. CONYERS, Mr. EDWARDS of California, Mr. GILMAN, Mr. LANTOS, Mr. SOLARZ, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANDREWS of New Jersey, Mr. BORSKI, Mr. BUSTAMANTE, Mr. CUNNINGHAM, Mr. DE LUGO, Mr. EVANS, Mr. FOGLIETTA, Mr. HORTON, Mr. HUNTER, Mr. KOSTMAYER, Mr. LANCASTER, Mr. MATSUI, Mr. MILLER of California, Mrs. MINK, Ms. NORTON, Mr. PANETTA, Mr. RANGEL, Mr. ROYBAL, Mr. SHARP, Mr. SPENCE, Mr. STARK, Mr. TORRES, Mr. TOWNS, Mr. WAXMAN, and Mr. WELDON):

H.R. 5877. A bill to extend the deadline for applying for naturalization of certain Filipino veterans of World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 5878. A bill to amend the Higher Education Act of 1965 to encourage lifelong learning by permitting students attending a program of postsecondary education on a less than half-time basis to receive Federal family education loans, and authorizing the Student Loan Marketing Association to originate loans to enable students to borrow up to $25,000 under a lifelong learning line of credit for education and job training that shall be repaid based on the borrower's ability to pay, and for other purposes; to the Committee on Education and Labor.

By Mr. RAHALL:

H.R. 5879. A bill to amend title 38, United States Code, to authorize accelerated payments for short-term, high-cost courses taken by veterans pursuing postsecondary education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RAMSTAD (for himself and Mr. BILBRAY):

H.R. 5880. A bill to amend the Small Business Act to authorize small business concerns owned and controlled by individuals with disabilities to participate in business development programs established by that act, and for other purposes; to the Committee on Small Business.

By Mr. RITTER:

H.R. 5881. A bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. ROBERTS:

H.R. 5882. A bill to amend the Agricultural Act of 1949 to authorize the transfer of crop acreage base between program crops on a farm and the establishment of a farm program payment yield for the program crop receiving such base on behalf of producers adversely affected by an irrigation water shortage; to the Committee on Agriculture.

By Mr. SABO:

H.R. 5883. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Education and Labor.

By Mr. SARPALIUS:

H.R. 5884. A bill to amend title 23, United States Code, and the Intermodal Surface Transportation Efficiency Act of 1991 to repeal provisions establishing a national maximum speed limit; to the Committee on Public Works and Transportation.

By Mrs. SCHROEDER: (for herself, Mr. EVANS, Mrs. LLOYD, Ms. LONG, Mr. EDWARDS of California, and Mr. CARPER):

H.R. 5885. A bill to amend title 38, United States Code, to improve the care and services furnished to veterans who have experienced sexual trauma while on active duty, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIKORSKI

H.R. 5886. A bill to reauthorize the Office of Special Counsel through fiscal year 1994; to the Committee on Post Office and Civil Service.

By Mr. SKAGGS (for himself, Mr. MORRISON, Mr. SCHIFF, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. STARK, Mr. BUSTAMANTE, Mr. EVANS, Mr. SANDERS, Mr. JONTZ, Mr. STALLINGS, and Mrs. LLOYD):

H.R. 5887. A bill to provide health insurance benefits to certain former employees at defense nuclear facilities of the Department of Energy for injuries caused by exposure to ionizing radiation; to the Committee on Energy and Commerce.

By Mr. SMITH of Oregon:

H.R. 5888. A bill to amend the Klamath River Basin Fishery Resources Restoration Act to increase the number of members of the Klamath River Basin Fisheries Task Force; to the Committee on Merchant Marine and Fisheries.

By Ms. SNOWE:

H.R. 5889. A bill to make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress, to give certain employees of the House of Representatives and the instrumentalities of the Congress the right to petition for judicial review for violations of certain laws and rules concerning civil rights and employment practices, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, and Rules.

By Mr. SOLARZ:

H.R. 5890. A bill to impose strict controls on the importation, transfer, transportation, manufacture, possession, and ownership of handguns; to the Committee on the Judiciary.

H.R. 5891. A bill to provide for community-based language training for U.S. foreign service officers, other U.S. Government officials, and State and local employees and voluntary workers providing important services to Spanish-speaking communities; jointly, to the Committees on Foreign Affairs and Education and Labor.

By Mr. STALLINGS (for himself and Mr. OWENS of Utah):

H.R. 5892. A bill to make applicable to the Congress certain laws relating to civil rights and employment practices; jointly, to the Committees on House Administration, Education and Labor, and Government Operations.

By Mr. STARK:

H.R. 5893. A bill to amend the Public Health Service Act to establish a National AIDS Vaccine Development and Compensation Program for the development of human immunodeficiency virus vaccines and a program to compensate the victims of human immunodeficiency virus vaccine-related injuries and deaths by establishing an AIDS Vaccine Injury Compensation Trust Fund, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. STUDDS (for himself and Mr. NEAL of Massachusetts):

H.R. 5894. A bill to amend the Immigration Act of 1990 and the Immigration and Nationality Act with respect to the transition and permanent diversity immigrant programs; to the Committee on the Judiciary.

By Mr. STUDDS:

H.R. 5895. A bill to provide for the establishment of the National Environmental Business Foundation to encourage and promote opportunities for the U.S. private sector to provide environmental technology (including marine biotechnology), education and training, and other assistance to developing countries; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. STUDDS (for himself and Mr. MOAKLEY):

H.R. 5896. A bill to reduce the harbor maintenance tax, amend its applicability and enhance its enforcement; jointly, to the Committees on Ways and Means and Public Works and Transportation.

By Mr. THOMAS of California:

H.R. 5897. A bill to amend title XVI of the Social Security Act to institute certain reforms relating to representative payees and to the provision of supplemental security income benefits to the disabled based on substance abuse, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. THOMAS of Georgia:

H.R. 5898. A bill to amend Public Law 874, 81st Congress, to provide for increased payments in lieu of taxes to certain school districts bisected by Federal installations; to the Committee on Education and Labor.

By Mr. THOMAS of Wyoming:

H.R. 5899. A bill to provide for a water purchase contract by Kirby Ditch Irrigation District and by Bluff Irrigation District in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. PEASE (for himself, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. ECKART, Mr. FEIGHAN, Ms. KAPTUR, Mr. KILDEE, Ms. OAKAR, Mr. SAWYER, and Mr. STOKES):

H.R. 5900. A bill to provide a comprehensive program of adjustment assistance to workers adversely affected by import competition or the relocation of U.S. production facilities abroad; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming:

H.R. 5901. A bill to authorize the Secretary of the Interior to transfer to the Goshen Irrigation District, WY, certain lands and irrigation structures relating to the Fort Laramie Division of the North Platte Project; to the Committee on Interior and Insular Affairs.

By Mr. TORRICELLI:

H.R. 5902. A bill to establish Federal, State, and local programs for the investigation, reporting and prevention of bias crimes; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 5903. A bill to provide grants to reduce the number of homicides and the incidents of violence by students, ages 13 to 21, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mrs. UNSOELD:

H.R. 5904. A bill to establish a National Shellfish Safety Program; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

By Mr. VENTO:

H.R. 5905. A bill to provide additional funding to the Resolution Trust Corporation, to make necessary improvements in the operation of such Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. VENTO (for himself and Mr. LAGOMARSINO):

H.R. 5906. A bill to direct the Secretary of the Interior to exchange certain lands with the District of Columbia and to regulate advertising and related commercial activities in the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. WATERS:

H.R. 5907. A bill to amend the Public Health Service Act to provide for the conduct of expanded research and the establishment of innovative programs and polices with respect to traumatic brain injury, and for other purposes; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 5908. A bill to allow certain gaming activities to be conducted on Indian lands in the State of Montana for a 1-year period; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN:

H.R. 5909. A bill to amend the Child Nutrition Act of 1966 to enhance competition among infant formula manufacturers and to reduce the per unit cost of infant formula for the special supplemental food program for women, infants, and children [WIC], and for other purposes; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.J. Res. 541. Joint resolution to acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii; to the Committee on Interior and Insular Affairs.

By Mr. BROWN (for himself, Mr. BATEMAN, Mr. HUBBARD, Mr. DE LUGO, Mr. TANNER, Mr. BACCHUS, Mr. ROEMER, Mr. MILLER of California, Mr. MORAN, Mr. HARRIS, Mr. PARKER, Mr. MAVROULES, Mr. QUILLEN, Mr. SMITH of New Jersey, Mr. HORTON, Mr. SAXTON, Mr. PETERSON of Florida, Mr. PACKARD, Mr. TORRES, Mr. MONTGOMERY, Mr. HUCKABY, Mr. BILIRAKIS, Mr. LAGOMARSINO, Mr. WILSON, Mrs. MINK, Mr. KOLTER, Mr. MCCANDLESS, Mr. ROYBAL, Mr. BUSTAMANTE, Mr. HEFNER, Mr. KOPETSKI, Mr. SANGMEISTER, Mr. MCMILLEN of Maryland, Ms. NORTON, Mr. HAMMERSCHMIDT, Mr. HAYES of Illinois, Mr. DOWNEY, Mr. SWETT, Ms. LONG, Mr. SPENCE, Mr. TOWNS, Mr. CLINGER, Mr. ERDREICH, Mr. MCGRATH, Mr. SOLARZ, Mr. PAYNE of New Jersey, Mr. HASTERT, Mr. SISISKY, Mr. WEISS, Mr. GUARINI, Mrs. LLOYD, Mr. PALLONE, Mr. WHITTEN, Mr. GONZALEZ, Mr. EVANS, Mr. LIPINSKI, Mr. FROST, Mr. ROE, Mr. COLEMAN of Texas, Mr. DE LA GARZA, Mr. LEHMAN of California, Mr. JENKINS, Mr. RHODES, Mr. LAFALCE, Mr. BONIOR, Mr. ANDREWS of Maine, Ms. HORN, and Mr. HATCHER):

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week"; to the Committee on Post Office and Civil Service.

By Mr. FAZIO:

H.J. Res. 543. Joint resolution designating November 30, 1992, through December 6, 1992, as "National Education First Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia:

H.J. Res. 544. Joint resolution designating the week beginning February 7, 1993, as "Lincoln Legacy Week"; to the Committee on Post Office and Civil Service.

By Mr. MCCRERY:

H.J. Res. 545. Joint resolution proposing an amendment to the Constitution of the United States to provide for the limitation of service in the Congress; to the Committee on the Judiciary.

By Ms. MOLINARI (for herself, Ms. SNOWE, Mr. ESPY, Ms. LONG, Mr. KOPETSKI, Mr. MCMILLEN of Maryland, Mr. RITTER, Mr. GORDON, Mr. SANDERS, Mr. LENT, Mr. GONZALEZ, Mr. HEFNER, Ms. PELOSI, Mr. HORTON, Mr. NATCHER, Mr. STAGGERS, Mr. HUBBARD, Mr. MCNULTY, Mr. KASICH, Mrs. KENNELLY, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. WALSH, Mr. OBERSTAR, Mr. ANDREWS of Maine, Mr. HANSEN, Mr. BLILEY, Mr. MONTGOMERY, Mr. STUDDS, Mr. JACOBS, Mr. GINGRICH, Mrs. UNSOELD, Mr. OXLEY, Mrs. MINK, Mr. SPRATT, Mr. TANNER, Mr. WOLF, Mr. HAYES of Illinois, Mr. ROE, Mrs. MORELLA, Mr. SMITH of Texas, Mr. PICKETT, Mr. MAZZOLI, Mr. SCHEUER, Mr. HUGHES, Mrs. VUCANOVICH, Mr. BATEMAN, Mr. BERMAN, Mr. BEVILL, Mr. BORSKI, Mr. BREWSTER, Mr. CLINGER, Mr. CLEMENT, Mr. STOKES, Mr. GUARINI, Mr. DICKS, Mr. CARDIN, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. ECKART, Mr. BUSTAMANTE, Mr. LAGOMARSINO, Mr. DELLUMS, Mr. ATKINS, Mr. FAZIO, Mr. FALEOMAVAEGA, Mr. FISH, Mr. FROST, Mr. GEJDENSON, Mr. GILCHREST, Mr. HAMILTON, Mr. SERRANO, Mr. HARRIS, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HYDE, Mr. LEHMAN of Florida, Mr. GEKAS, Mr. LANTOS, Mr. EDWARDS of Texas, and Mr. HAMMERSCHMIDT):

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BORSKI, Mr. BOUCHER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARPER, Mr. CLEMENT, Mr. CLINGER, Mr. COLORADO, Mr. CONYERS, Mr. COUGHLIN, Mr. DE LUGO, Mr. DIXON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DYMALLY, Mr. EMERSON, Mr. ENGEL, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FISH, Mr. FROST, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. GONZALEZ, Mr. GOODLING, Mr. GUARINI, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HYDE, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOLTER, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANTON, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MURPHY, Mr. MURTHA, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. PERKINS, Mr. PETRI, Mr. STALLINGS, Mr. TOWNS, Mr. WELDON, and Mr. WOLF):

H.J. Res. 547. Joint resolution designating May 2, 1993, through May 8, 1993, as "National Walking Week"; to the Committee on Post Office and Civil Service.

By Mrs. SCHROEDER (for herself, Mrs. LLOYD, Mr. DELLUMS, Mr. FOGLIETTA, Mr. HERTEL, Mr. HANSEN, Mr. SPRATT, Mr. MCCLOSKEY, Mrs. BOXER, Mr. EVANS, Mr. BUSTAMANTE, Mr. BLAZ, Mr. LANCASTER, Mr. BILBRAY, Mr. HOCHBRUECKNER, Mr. WELDON, Mr. KYL, Mr. RAVENEL, Mr. BROWDER, Mr. ABERCROMBIE, Mr. MACHTLEY, and Mr. ANDREWS of Maine):

H. Con. Res. 359. Concurrent resolution expressing the sense of the Congress regarding the elimination of sexual harassment and

sexual assault in the Armed Forces; to the Committee on Armed Services.

By Mr. JONTZ:

H. Res. 556. Resolution exercising the right of the House of Representatives to change the rules of the House of Representatives with respect to the "fast track" procedures for trade implementation bills; to the Committee on Rules.

By Mr. SAWYER (for himself, Mr. HAMILTON, Mr. SOLARZ, Mr. BERMAN, Mr. FEIGHAN, Mr. WEISS, Mr. OWENS of Utah, and Mr. HOYER):

H. Res. 557. Resolution concerning the plight of refugees and displaced persons in the former Yugoslav republic; to the Committee on Foreign Affairs.

By Mr. THOMAS of Georgia (for himself, Mr. SCHULZE, Mr. TAYLOR of North Carolina, Mr. PAXON, Mr. HEFNER, Mr. SPENCE, Mr. YOUNG OF ALASKA, Mr. SOLOMON, Mr. HANCOCK, Mr. GALLO, Mr. KOLTER, and Mr. TANNER):

H. Res. 558. Resolution congratulating Launi Meili and Bob Foth on their outstanding achievements in smallbore rifle 3-position competitions at the 1992 summer Olympic games; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JAMES introduced a bill (H.R. 5910) to clear impediments to the issuance of documentation for the vessel *Cherokee*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. GEJDENSON, Mr. MOODY, Mr. MCMILLEN of Maryland, Mr. SPRATT, Mr. DICKINSON, Mr. BRYANT, Mr. COLORADO, Mr. ATKINS, Mr. DUNCAN, Mr. FALEOMAVAEGA, Mr. CONDIT, Mr. GILLMOR, Mr. SOLARZ, Mr. HOYER, Mr. BEVILL, and Mr. CHAPMAN.

H.R. 53: Mr. CALLAHAN.

H.R. 299: Mr. LEWIS of Florida and Mr. HASTERT.

H.R. 301: Mr. GEREN of Texas.

H.R. 520: Mr. GEJDENSON.

H.R. 576: Mr. TAYLOR of North Carolina.

H.R. 700: Mr. MACHTLEY.

H.R. 780: Mr. RICHARDSON.

H.R. 784: Mr. SHARP.

H.R. 911: Mr. HOBSON and Mr. TORRICELLI.

H.R. 1065: Mr. ACKERMAN.

H.R. 1167: Mr. BUSTAMANTE, Mr. MCCANDLESS, Mr. QUILLEN, Mr. TOWNS, Mr. SCHIFF, and Mr. LIPINSKI.

H.R. 1200: Mr. HASTERT.

H.R. 1900: Mr. SIKORSKI.

H.R. 2140: Mr. BLACKWELL.

H.R. 2164: Mr. KOPETSKI, Mr. HUGHES, Mr. PETERSON of Florida, Mr. MAZZOLI, Mr. NEAL of Massachusetts, Mr. DARDEN, and Mr. EDWARDS of Texas.

H.R. 2248: Mr. SISISKY, Mr. MAVROULES, and Mr. HOBSON.

H.R. 2362: Mr. CAMP.

H.R. 2385: Mr. GILCHREST.

H.R. 2595: Mr. HASTERT.

H.R. 2772: Mr. SLATTERY.

H.R. 2797: Mr. QUILLEN.

H.R. 2867: Mr. MRAZEK.

H.R. 3130: Mr. CHANDLER.

H.R. 3253: Mr. MATSUI and Mr. TOWNS.

H.R. 3373: Mr. COLEMAN of Texas.

H.R. 3441: Mr. KLUG and Mr. HASTERT.

H.R. 3450: Mr. FORD of Tennessee.

H.R. 3509: Mr. ANDREWS of Maine.

H.R. 3518: Mr. LEVINE of California and Mr. SAWYER.

H.R. 3545: Mr. SANTORUM.

H.R. 3561: Mr. THOMAS of California.

H.R. 3568: Mr. REED.

H.R. 3677: Mr. VISCLOSKY.

H.R. 3838: Mr. BRYANT and Mr. PACKARD.

H.R. 4045: Mr. ECKART and Mr. JOHNSTON of Florida.

H.R. 4053: Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. MCCOLLUM, Mr. MCCLOSKEY, Mr. EVANS, Mr. BUNNING, Mr. DE LUGO, and Mr. BRYANT.

H.R. 4066: Mr. SIKORSKI.

H.R. 4097: Ms. MOLINARI.

H.R. 4159: Mr. RICHARDSON.

H.R. 4174: Mr. CRANE.

H.R. 4206: Mr. KILDEE.

H.R. 4271: Mr. MFUME.

H.R. 4280: Mr. SHAYS.

H.R. 4288: Mr. HASTERT.

H.R. 4333: Mr. BUSTAMANTE.

H.R. 4393: Mr. DOWNEY, Mr. JAMES, Mrs. LLOYD, Mr. MCCOLLUM, Mr. SPENCE, and Mr. UPTON.

H.R. 4406: Mr. BURTON of Indiana.

H.R. 4429: Mr. KOSTMAYER.

H.R. 4431: Mr. HORTON, Mr. TOWNS, Mr. LAGOMARSINO, and Mr. MCCANDLESS.

H.R. 4457: Mr. DIXON and Mr. CLAY.

H.R. 4501: Mr. GEREN of Texas.

H.R. 4542: Mrs. COLLINS of Illinois, Mr. STUDDS, and Mr. LEHMAN of California.

H.R. 4585: Mr. SMITH of Oregon.

H.R. 4620: Mr. ALLEN.

H.R. 4624: Mr. ALLEN.

H.R. 4645: Mr. ALLEN.

H.R. 4647: Mr. ALLEN.

H.R. 4649: Mr. ALLEN.

H.R. 4651: Mr. ALLEN.

H.R. 4655: Mr. ALLEN.

H.R. 4656: Mr. ALLEN.

H.R. 4657: Mr. ALLEN.

H.R. 4659: Mr. ALLEN.

H.R. 4660: Mr. ALLEN.

H.R. 4662: Mr. ALLEN.

H.R. 4663: Mr. ALLEN.

H.R. 4666: Mr. ALLEN.

H.R. 4667: Mr. ALLEN.

H.R. 4668: Mr. ALLEN.

H.R. 4669: Mr. ALLEN.

H.R. 4671: Mr. ALLEN.

H.R. 4673: Mr. ALLEN.

H.R. 4680: Mr. ALLEN.

H.R. 4683: Mr. ALLEN.

H.R. 4764: Mr. SCHAEFER and Ms. SLAUGHTER.

H.R. 4821: Mr. THOMAS of California.

H.R. 4836: Mr. INHOFE, Mr. GEREN of Texas, and Mr. PACKARD.

H.R. 4846: Mrs. BOXER.

H.R. 4965: Mr. TRAFICANT, Mr. ACKERMAN, Mr. KOPETSKI, and Mr. RINALDO.

H.R. 4966: Mr. TRAFICANT, Mr. ACKERMAN, Mr. KOPETSKI, and Mr. RINALDO.

H.R. 4967: Mr. TRAFICANT, Mr. ACKERMAN, Mr. KOPETSKI, and Mr. RINALDO.

H.R. 4968: Mr. TRAFICANT, Mr. ACKERMAN, Mr. KOPETSKI, and Mr. RINALDO.

H.R. 4969: Mr. TRAFICANT, Mr. ACKERMAN, Mr. KOPETSKI, and Mr. RINALDO.

H.R. 4983: Mr. GRANDY.

H.R. 5003: Mr. ALLEN.

H.R. 5016: Mr. ROE and Ms. MOLINARI.

H.R. 5037: Mr. ATKINS and Mr. ROE.

H.R. 5070: Mr. HERTEL and Mr. ANDREWS of Maine.

H.R. 5125: Mr. MFUME.

H.R. 5150: Mr. ORTON and Mr. ZELIFF.

H.R. 5156: Mrs. LOWEY of New York and Mr. STUDDS.

H.R. 5168: Mr. LIPINSKI.

H.R. 5170: Mr. SHAYS.

H.R. 5176: Mr. RANGEL.

H.R. 5198: Mr. GOODLING.

H.R. 5216: Mr. SANDERS, Mr. DICKS, and Mr. SOLARZ.

H.R. 5217: Mr. FOGLIETTA.

H.R. 5250: Mr. COSTELLO, Mr. LEWIS of Florida, and Mr. HUBBARD.

H.R. 5276: Mr. BEREUTER.

H.R. 5297: Mrs. MORELLA, Mr. GEJDENSON, Mr. EMERSON, Mr. DICKINSON, Mr. GALLO, Mr. BILIRAKIS, Mr. WILSON, Mr. ERDREICH, Mr. KOLBE, Mrs. BYRON, Ms. MOLINARI, Mr. ENGEL, Mr. THOMAS of California, Mr. JOHNSTON of Florida, Mr. KYL, Mr. SCHAEFER, and Mr. ANDREWS of Maine.

H.R. 5304: Mr. OLVER.

H.R. 5317: Ms. PELOSI.

H.R. 5321: Mr. MORAN, Mr. KOLBE, and Mr. GALLO.

H.R. 5340: Mr. LIVINGSTON, Mr. WALSH, Mr. STEARNS, Mr. KYL, Mr. LIPINSKI, and Mr. SCHIFF.

H.R. 5367: Mr. KOPETSKI, Mr. BONIOR, Mr. LEHMAN of California, and Mr. HERTEL.

H.R. 5374: Mrs. MORELLA, Mr. RAVENEL, and Mrs. BYRON.

H.R. 5393: Mr. HASTERT and Mr. HOAGLAND.

H.R. 5403: Mr. JOHNSON of South Dakota.

H.R. 5405: Ms. MOLINARI.

H.R. 5423: Mrs. JOHNSON of Connecticut and Mr. FRANKS of Connecticut.

H.R. 5424: Mr. ANDREWS of Maine.

H.R. 5451: Mr. BEREUTER, Mr. BREWSTER, Mr. CHAPMAN, Mr. DARDEN, Mr. DORGAN of North Dakota, Mr. JACOBS, Mr. MONTGOMERY, Mr. ORTON, Mr. OXLEY, Mr. PARKER, Mr. PETERSON of Minnesota, Mr. RAY, Mr. RINALDO, Mr. ROWLAND, Mr. SCHEUER, Mr. SYNAR, and Mr. THOMAS of Georgia.

H.R. 5478: Mr. DARDEN, Mrs. SCHROEDER, Mr. GORDON, and Mr. TALLON.

H.R. 5499: Mrs. SCHROEDER.

H.R. 5509: Mr. STUMP, Mr. LIGHTFOOT, Mr. MCCANDLESS, and Mr. DORNAN of California.

H.R. 5512: Mr. WALSH, Mr. HUNTER, Mr. JOHNSON of South Dakota, Mr. OXLEY, Mr. CLINGER, Mr. ATKINS, Mr. GILMAN, Mr. GEREN of Texas, Mr. LEVINE of California, Ms. NORTON, Mr. MFUME, Mr. TOWNS, and Mr. LEWIS of Florida.

H.R. 5521: Mr. BILIRAKIS.

H.R. 5531: Mr. JOHNSON of South Dakota, Mr. BLACKWELL, and Mr. FIELDS.

H.R. 5538: Mr. ATKINS, Mr. BRUCE, and Ms. KAPTUR.

H.R. 5542: Mr. LOWERY of California.

H.R. 5550: Mr. KLUG.

H.R. 5553: Mr. GEREN of Texas.

H.R. 5555: Mr. MCMILLAN of North Carolina.

H.R. 5559: Mr. MCMILLAN of North Carolina, Mr. ARMEY, Mr. DICKS, Mr. JACOBS, Mr. CLAY, Mr. COLEMAN of Texas, Mr. STALLINGS, Mr. JEFFERSON, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. ANTHONY, Mr. DOOLEY, Mr. MCGRATH, Mr. BOEHNER, Mr. TOWNS, Mr. BONIOR, Mr. TRAXLER, Mr. HANSEN, and Ms. HORN.

H.R. 5572: Mr. ATKINS, Mr. FROST, Mr. WEISS, Mr. MONTGOMERY, Mr. EDWARDS of California, Mr. BATEMAN, Mr. CRAMER, Mr. TRAFICANT, Mr. ERDREICH, Mr. BLILEY, Mr. ENGEL, Mr. LENT, Mr. HOUGHTON, Mr. HAYES of Louisiana, Mrs. COLLINS of Michigan, Mr. CONYERS, Mr. DELLUMS, Mr. BEVILL, Mr. BROOMFIELD, Mr. DICKINSON, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. HASTERT, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LEWIS of California, Mrs. LOWEY of New York, Mr. MANTON, Mr. MARTIN, Mr.

McDADE, Mr. McGRATH, Ms. OAKAR, Mr. RINALDO, Mr. SHAYS, Ms. SLAUGHTER, Mr. SOLOMON, Mr. SPENCE, Mr. SUNDQUIST, Mr. WELDON, Mr. WOLPE, and Mr. SAWYER.

H.R. 5580: Mr. WISE, Mr. PAYNE of Virginia, and Mr. FOGLIETTA.

H.R. 5596: Mr. EWING and Mr. SKEEN.

H.R. 5600: Mr. TORRES, Mr. ENGEL, Mr. MOLLOHAN, Mr. REED, and Mr. BENNETT.

H.R. 5610: Mr. MACHTLEY and Mr. FIELDS.

H.R. 5613: Mr. SERRANO and Mr. GEJDENSON.

H.R. 5665: Mr. MACHTLEY.

H.R. 5676: Mr. DOOLEY and Mr. NAGLE.

H.R. 5682: Mr. ROE, Mr. FROST, Mr. LANTOS, Mr. SHAW, and Mr. BENNETT.

H.R. 5699: Mr. KOLTER.

H.R. 5703: Mr. FIELDS, Mr. LAGOMARSINO, Mr. LEWIS of Florida, and Mr. THOMAS of California.

H.R. 5729: Mr. ZELIFF and Mr. SANTORUM.

H.R. 5732: Mr. ROYBAL, Mr. RICHARDSON, Mr. ORTIZ, Mr. CONYERS, Mr. TOWNS, Mr. FLAKE, Mr. PASTOR, Mr. MFUME, Mr. STOKES, Mr. TORRES, and Mr. DELLUMS.

H.R. 5743: Mr. BEREUTER, Mr. HUGHES, and Mr. LIPINSKI.

H.R. 5745: Mr. HUTTO, Mr. ZELIFF, Mr. MURPHY, and Mr. FROST.

H.R. 5747: Mr. FROST.

H.R. 5758: Mr. WOLPE, Mr. ECKART, Mr. SLATTERY, Mr. KOLTER, Mr. FRANK of Massachusetts, Mr. HASTERT, Mr. NOWAK, Mr. BLACKWELL, Mr. CONYERS, Mr. JONTZ, Ms. HORN, Mr. GEKAS, and Mr. LIPINSKI.

H.R. 5760: Mr. ESPY.

H.R. 5768: Mr. LIVINGSTON, Mr. ALLARD, Mr. SOLOMON, Mr. GEREN of Texas, and Mr. ZELIFF.

H.R. 5776: Mr. BLAZ, Mr. DE LA GARZA, and Mr. JACOBS.

H.R. 5790: Mr. CHAPMAN, Mr. VOLKMER, Mr. RAY, and Mr. SISISKY.

H.R. 5800: Mr. ANTHONY, Mr. JENKINS, Mr. RANGEL, Mr. BUNNING, Mr. SHAW, Mr. SUNDQUIST, Mr. CHANDLER, Mr. GRANDY, Mr. TRAFICANT, Mr. JACOBS, Mr. FORD of Tennessee, Mr. RUSSO, and Mr. MAZZOLI.

H.R. 5820: Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SOLARZ, and Mr. BUSTAMANTE.

H.J. Res. 19: Mr. SARPALIUS.

H.J. Res. 200: Mr. BILIRAKIS.

H.J. Res. 239: Mr. RICHARDSON.

H.J. Res. 325: Mr. SAXTON, Mr. ROSE, Mr. MORAN, Mr. HALL of Ohio, and Mr. WALSH.

H.J. Res. 378: Mr. ROSE, Mr. LAFALCE, and Ms. HORN.

H.J. Res. 380: Mr. HAYES of Illinois, Mr. LOWERY of California, Mr. KANJORSKI, Mr. MACHTLEY, MR. LEACH, Mr. FROST, Mr. MARKEY, Mr. COBLE, Mr. COX of California, Mr. MOORHEAD, Mr. BAKER, Mr. KOSTMAYER, Mr. FAZIO, Mr. DELLUMS, Mr. ORTON, and Mr. SHAYS.

H.J. Res. 393: Mr. FLAKE, Mr. OBEY, Mr. SHAYS, Mr. COSTELLO, Mr. HYDE, Mr. MICHEL, Mr. DYMALLY, Mr. YOUNG of Alaska, Mr. BEVILL, Mr. RHODES, Mr. CRAMER, Mr. GALLEGLY, Mr. HUTTO, Mr. PETERSON of Florida, Mr. MINETA, Mr. LEWIS of Florida, Mr. BENNETT, and Mr. HAMMERSCHMIDT.

H.J. Res. 399: Mr. WELDON, Mr. GILCHREST, Mr. MACHTLEY, Mr. CRAMER, Mr. HASTERT, Mr. THOMAS of Wyoming, Mr. ARMEY, Mr. SUNDQUIST, and Mr. HOLLOWAY.

H.J. Res. 400: Ms. KAPTUR, Mr. WAXMAN, Mr. ROYBAL, Ms. HORN, Mr. RAMSTAD, Mr. MOODY, Mr. TRAFICANT, Mr. KILDEE, Mr. COUGHLIN, Mr. KENNEDY, Mr. BORSKI, Mr. BACCHUS, Mrs. COLLINS of Illinois, Mr. MFUME, Mr. LEVINE of California, Mr. BRYANT, Mr. PASTOR, Mr. REED, Mr. SISISKY, Ms. OAKAR, Mr. RUSSO, Mr. MARTIN, Mr. MAZZOLI, Mr. MURPHY, Mr. NEAL of North Carolina, Mr. PAYNE of New Jersey, Mr. RAVENEL, Mr. SAVAGE, and Mr. YATRON.

H.J. Res. 409: Mr. BACCHUS, Mr. SABO, Mr. RUSSO, Mr. CLINGER, Mr. GUNDERSON, Mr. STENHOLM, Mr. HALL of Ohio, Mr. LIVINGSTON, Ms. KAPTUR, Mr. PICKLE, Mr. KOLTER, Mr. HALL of Texas, Ms. MOLINARI, Mr. ROHRABACHER, Mr. ANDREWS of Maine, Mr. LIGHTFOOT, Mrs. MEYERS of Kansas, Mr. MYERS of Indiana, Mr. ANDREWS of Texas, Mr. SYNAR, Mr. TORRICELLI, Mr. ANDERSON, Mr. RICHARDSON, Mr. WHITTEN, Mr. GREEN of New York, Mrs. LLOYD, Mr. ROTH, Mr. EDWARDS of Oklahoma, Mr. DIXON, Mr. KANJORSKI, Mr. PAXON, Mr. SCHEUER, Mr. BENNETT, Mr. DELAY, Mr. LEWIS of Florida, Mr. McDERMOTT, Mr. ROWLAND, Mr. JACOBS, Mr. BEVILL, Mr. RAHALL, Mr. EMERSON, Mr. HANCOCK, Mrs. MORELLA, Mr. McEWEN, Mr. DORNAN of California, Mr. HERGER, Mr. MILLER of Ohio, Mr. THOMAS of California, Mr. BORSKI, Mr. WOLF, Mr. SMITH of New Jersey, Mr. NOWAK, Mr. McDADE, Mr. MARKEY, Mr. SAXTON, Mr. PETRI, Mr. McCANDLESS, Mr. ASPIN, Mr. HERTEL, Mr. PAYNE of Virginia, Mr. SISISKY, Mr. GONZALEZ, Mr. PICKETT, Mr. VALENTINE, Mr. KILDEE, Mr. DUNCAN, Mr. YATES, Mr. INHOFE, Mr. PAYNE of New Jersey, Mr. SMITH of Florida, Mr. MILLER of California, Mr. CARPER, Mr. LAROCCO, Mr. DOOLEY, Mr. JONES of Georgia, Mr. FAZIO, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. VOLKMER, Mrs. LOWEY of New York, Mr. UPTON, Mr. MACHTLEY, Mr. BILIRAKIS, Mr. CRANE, Mr. WELDON, Mr. REED, Mr. VENTO, Mr. HOUGHTON, Mr. FRANK of Massachusetts, Mr. MORAN, Mr. WASHINGTON, Mr. ALLEN, Mr. SWIFT, Mr. PANETTA, Mr. WYLIE, Mr. DICKS, Ms. WATERS, Mr. MINETA, Mr. HUBBARD, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SCHAEFER, Mr. ARMEY, Mr. WOLPE, Mr. PASTOR, Mr. CONYERS, Mr. COYNE, Mr. OLVER, Mr. DOWNEY, Mr. RAVENEL, Mr. GILLMOR, Mr. HOLLOWAY, Mr. DONNELLY, Mr. ROGERS, Mr. ABERCROMBIE, Mr. ENGEL, Mr. ESPY, Mr. BROWN, Mr. WYDEN, Mr. GAYDOS, Mr. EDWARDS of California, Mr. GALLEGLY, Mr. MOODY, Mr. BOUCHER, Mr. OBERSTAR, Mr. GIBBONS, Mr. BILBRAY, Mr. SCHUMER, Mr. MRAZEK, Mr. OXLEY, Mr. CALLAHAN, Mr. TAYLOR of Mississippi, Mr. GRANDY, Mr. HANSEN, Mr. FORD of Michigan, Mr. SMITH of Iowa, Mr. McHUGH, Mr. SMITH of Texas, Mr. ANDREWS of New Jersey, Mr. BEILENSON, Mr. LEWIS of Georgia, Mr. JOHNSON of South Dakota, and Mr. WEISS.

H.J. Res. 431: Mr. GLICKMAN, Mr. JOHNSON of South Dakota, Mr. MARKEY, Mr. PORTER, Mr. LEACH, Mr. DUNCAN, Mr. ROE, Mr. CHANDLER, Mr. BILIRAKIS, Mr. WALSH, Mr. FORD of Michigan, Mr. OWENS of New York, and Mr. RUSSO.

H.J. Res. 440: Mr. SCHEUER.

H.J. Res. 450: Mrs. MINK.

H.J. Res. 455: Mr. TRAFICANT and Ms. KAPTUR.

H.J. Res. 458: Mrs. BENTLEY, Mr. BORSKI, Mr. CARR, Mr. CARDIN, Mr. DWYER of New Jersey, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. JACOBS, Mr. JEFFERSON, Mr. LANCASTER, Mr. McHUGH, Mr. MANTON, Mr. NATCHER, Mr. JOHNSON of South Dakota, Mr. OLIN, Mr. TANNER, and Mr. WHEAT.

H.J. Res. 463: Mr. BALLENGER, Mr. COYNE, Mr. ENGEL, Mr. GREEN of New York, Ms. HORN, Mr. HOYER, Mr. MILLER of Washington, Mr. RAMSTAD, Mr. RHODES, Mr. SCHEUER, Ms. SNOWE, Mr. MOORHEAD, and Mr. LAGOMARSINO.

H.J. Res. 467: Mr. KLECZKA, Mr. BILIRAKIS, Ms. WATERS, Ms. SLAUGHTER, Mr. LANCASTER, Mr. DIXON, Mr. ASPIN, Mr. AUCOIN, Mr. LEWIS of Florida, Ms. PELOSI, Mr. BATEMAN, Mr. DE LA GARZA, Mr. DYMALLY, Mr. NATCHER, Mr. MOAKLEY, Mr. GILLMOR, Mrs. BENTLEY, Mr. JEFFERSON, Mr. BALLENGER, Mr. CONYERS, Mr. BLILEY, Mr. HOCHBRUECKNER, Mr. DORGAN of North Dakota, Mr. SAXTON, Mr. LEHMAN of Florida, Mr. SPENCE, Mr. McGRATH, Mr. MOODY, Mr. SCHAEFER, Mr. ROE, Mr. SARPALIUS, Mr. VOLKMER, Mr. LANTOS, Mr. HAMMERSCHMIDT, Mr. OLVER, Mrs. LOWEY of New York, Mr. McHUGH, Mr. OBERSTAR, Mr. SAWYER, Mr. GEREN of Texas, Mrs. KENNELLY, Mr. WASHINGTON, Mr. ABERCROMBIE, Mrs. BOXER, Mrs. BYRON, Ms. DELAURO, Mr. EDWARDS of Texas, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. GEPHARDT, Mr. DOOLITTLE, Mr. TANNER, Mr. ARCHER, Mr. COOPER, Mr. CALLAHAN, Mr. SYNAR, Mr. CAMPBELL of Colorado, Mr. WHEAT, Mr. CLAY, Mr. BERMAN, Mr. CARDIN, Mr. CARPER, Mr. OBEY, Mr. CLINGER, Mr. RITTER, Mr. BONIOR, Mr. BROWN, Mr. HALL of Ohio, and Mr. RANGEL.

H.J. Res. 469: Mr. GEPHARDT, Mr. BLACKWELL, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. HAYES of Louisiana, Ms. WATERS, Mr. BRUCE, Mr. APPLEGATE, Mr. STAGGERS, Mrs. BENTLEY, Mr. JOHNSON of South Dakota, Mr. HOYER, Mr. BUNNING, Mr. COSTELLO, Mr. OBERSTAR, Mr. DICKS, Mr. WISE, Mr. McHUGH, Mr. BROWN, Mr. LOWERY of California, Mr. FLAKE, Mr. GREEN of New York, Mr. KILDEE, Mr. MARTIN, Mr. ASPIN, and Mr. FOGLIETTA.

H.J. Res. 479: Mr. PICKETT and Mr. RAY.

H.J. Res. 520: Mr. ERDREICH and Mr. JOHNSON of South Dakota.

H.J. Res. 531: Mr. MRAZEK, Mr. DORGAN of North Dakota, Mr. HORTON, Mr. RANGEL, Mr. KOPETSKI, Mr. FROST, Mr. HALL of Ohio, and Mr. LEHMAN of Florida.

H. Con. Res. 12: Mr. PACKARD.

H. Con. Res. 180: Mr. JOHNSTON of Florida.

H. Con. Res. 223: Mr. FASCELL and Mr. JOHNSTON of Florida.

H. Con. Res. 298: Mr. AUCOIN, Mr. RAMSTAD, Mr. CARR, Mr. TOWNS, Mr. BACCHUS, and Mr. RAY.

H. Con. Res. 337: Mr. PETRI and Mr. SENSENBRENNER.

H. Con. Res. 344: Mr. HAYES of Illinois, Mr. McNULTY, Mr. LIPINSKI, Mr. FROST, Mr. GILCHREST, Mr. EVANS, Mr. ATKINS, Mr. CONYERS, Mr. HAMILTON, Mr. DOWNEY, Mr. MAVROULES, Mr. LANCASTER, and Mrs. COLLINS of Illinois.

H. Con. Res. 347: Mr. PORTER and Mr. CUNNINGHAM.

H. Con. Res. 353: Mr. WOLPE, Mr. ATKINS, Mr. PANETTA, Mr. FROST, Mr. TALLON, Mr. ANDREWS of Maine, and Mr. TRAXLER.

H. Res. 272: Mr. MATSUI.

H. Res. 448: Mr. LEVINE of California and Mr. SAWYER.

H. Res. 490: Mr. GINGRICH, Mr. McHUGH, and Mr. MORAN.

H. Res. 515: Mr. BACCHUS, Mr. GUARINI, Mr. HOCHBRUECKNER, and Mr. CARPER.

H. Res. 538: Mr. FROST, Mr. McEWEN, Mr. OWENS of Utah, Mr. LIPINSKI, and Mr. JONES of Georgia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1443: Ms. PELOSI.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4706

By Mr. COLLINS of Illinois:

—Page 3, strike out lines 11 through 15 and redesignate subsection (c) as subsection (b).

—Page 20, line 23, insert after the comma the following: "and within the authorization provided in section 101(a) of this Act,".

By Mr. McMILLAN of North Carolina:

—Page 3, strike out line 10 and insert in lieu thereof the following:

"(4) $43,278,800 for fiscal year 1994.".