SENATE—*Thursday, July 22, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Lord God Almighty, God of Abraham, Isaac, and Israel, Sovereign Lord of history, all nations, and all people, release Thy power in the Senate—power that convicts of sin, of selfishness, of greed, of pride, of deceitfulness and dishonesty, of the lust for power and the abuse of power.

Release Thy grace, Lord—grace that forgives and cleanses from all sin, grace that regenerates and renews and recreates, grace that transforms sinners into righteous servants of the living God.

Release Thy love, Lord—love that dissolves enmity and fear and division, love that warms and illumines and heals, love that unites and strengthens and turns adversaries into brothers and sisters.

Release Thy wisdom, Lord—wisdom that leads to truth and justice and righteousness.

Lord God Almighty, save us and our Nation from corruption, decay, and disintegration.

We pray in the name of the Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

In my capacity as a Senator from the State of Tennessee, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

A GENTLELADY'S SPECIAL DAY

Mr. BYRD. Mr. President, in the centuries ahead, any comprehensive analysis of the history of the United States will be compelled to include a major chapter on the contributions to our national life by Irish-Americans.

Though innumerable ethnic and national communities can recount saga-like tales of theirown sacrifices, challenges, and struggles in establishing themselves as elements in America's national collage, the Irish-American saga is one of the most poignant, romantic, and triumphant of any of those proud ethnic narratives.

And among Irish-Americans, no story is more distinguished or classic than the account of the family of our colleague, the senior Senator from the Commonwealth of Massachusetts, Senator EDWARD KENNEDY. Again and again during my tenure in this Chamber, I have enjoyed working with, and have been indebted to, Senator KENNEDY for his efforts in behalf of causes and programs that we have together believed in and fought for. In his role as a Senator from Massachusetts, Senator KENNEDY has added luster to an already gleaming family reputation for service and patriotism.

But, Mr. President, I have long believed that "the secret weapon" in the Kennedy family arsenal of political achievement and voter attraction on election day is none other than Senator KENNEDY's mother, Mrs. Joseph P. Kennedy, known by all of us as Rose.

Today, Mr. President, is Rose Kennedy's 103d birthday.

Please allow that numeral to assume its full significance in our thoughts.

Today, Mrs. Kennedy is 103 years old. She has witnessed the events of nearly one-half of our history as a nation, and of more than half of the events since the adoption of our current Constitution.

Witnessing so much of our history alone would besufficient claim to fame, but Mrs. Kennedy has been a central player in some of the most salient dramas of our century, both in her own right and as the matriarch of a family that has precipitated much of that history. Certainly, as the mother of a U.S. President, two U.S. Senators, an Attorney General, as well as the grandmother of a Congressman, Rose Kennedy's personal values and vision have outlined their own mark on our national history.

I know that I speak for all of our colleagues, Mr. President, and for millions of Americans and people around the world in wishing Mrs. Rose Kennedy the most blessed of birthdays and in expressing to her my sincere appreciation, our sincere appreciation, and my wife's sincere appreciation for the beauty, grace, and the excellence that she has added to the era in which we live.

Mr. President, I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

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

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

Mr. GRASSLEY. Mr. President, I believe that I can be recognized for morning business?

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for a period of time not to exceed 10 minutes.

ANTIDEFICIENCY ACT VIOLATIONS

Mr. GRASSLEY. Mr. President, I would like to take just a few minutes

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

this morning to discuss, once again, something that I discussed a couple times earlier this year: The pending promotion of an Air Force Col. Claude M. Bolton, Jr. It may sound insignificant to discuss this before the Senate, but this is an example of a person being recommended for promotion to brigadier general and the fact that this individual was involved in what I would consider a waste of taxpayers' money.

This promotion is now before the Armed Services Committee, and I have formally requested that I be notified before the Senate proceeds to the final approval of Colonel Bolton's promotion. Obviously, there have been some questions raised about my interest in this, and I am very happy to answer those questions. I want to clarify that position, even though I think I have stated it very clearly several times before.

Colonel Bolton's promotion to brigadier general should not be approved, at least it should not be approved until we have all the facts bearing on his role in the Antideficiency Act violations and the reprocurement scheme while program manager. He was the program manager for the advanced cruise missile, the ACM.

There are too many unanswered questions at this juncture. We need more information before we make a final decision on his promotion.

First, I shared my concern about Colonel Bolton in a letter to the chairman of the Committee on Armed Services back on March 29 of this year. I have that letter and some other inserts that I want to put in at the end of my remarks. I ask unanimous consent to do that.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I also shared on two other occasions my concern about Colonel Bolton in floor statements on April 30 of this year and May 28 of this year. Colonel Bolton was a program manager of the ACM from September 1, 1989 to September 20, 1992. As program manager, Colonel Bolton was in charge and he must, therefore, bear chief responsibility for what happened. I fear that Colonel Bolton may have engaged in either illegal or improper conduct while ACM program manager.

My suspicions are based largely on the audit and investigative work of the Department of Defense inspector general. The results of the IG's work are contained in a report entitled "Missile Procurement Appropriations, Air Force, Audit Report No. 93-053," dated February 12 of this year. The Department of Defense IG assessment is buttressed by other damaging evidence. The Senate Armed Services Committee has given the ACM program thumbs down for poor performance and for mismanagement.

The committee's evaluation is contained in Senate Report No. 102-352, pages 55 to 57, dated July 23, 1992. The conference committee on the fiscal year 1993 defense appropriations bill has given the ACM also thumbs down for poor performance and mismanagement. Its assessment is presented in House Report No. 102-966, page 538, dated October 1, 1992.

The General Accounting Office has also expressed concern about—their terms—"legal issues" and mismanagement of the ACM program. Some of the GAO's findings are contained in Report No. NSIAD-92-154. The GAO investigative work is continuing and more damaging information will be presented in September of this year.

So, Mr. President, I think the ACM program has come to a disastrous end, as the Armed Services Committee feared, and we need to know who is responsible for the mess and the evident waste of taxpayers' money. Who should be held accountable for what happened? I happen to believe that my concerns about Colonel Bolton rest on solid ground, but I want to be absolutely certain about those facts, as I should be certain about those facts. His career is at stake, and he should not be falsely accused. There can be no room for error.

I want to briefly tell you about the issues against Colonel Bolton, as I understand it today. There are three major allegations:

No. 1, the ACM program violated the Antideficiency Act while Colonel Bolton was program manager.

No. 2, Colonel Bolton and others failed to report a known violation of the Antideficiency Act.

And, No. 3, Colonel Bolton acquiesced in the illegal and destructive reprocurement scheme to conceal and to cover up a violation of the Antideficiency Act.

I will discuss this in two parts. In the first case, I would like to review the facts bearing on the violation of the Antideficiency Act and, second, to discuss the facts bearing on the reprocurement scheme to hide the violation of the Antideficency Act.

The IG of DOD uncovered the facts that gave rise to these allegations. The IG charges that the ACM program violated the Antideficiency Act and that program officials knew of the violation in July 1991, but failed to report it. Colonel Bolton was the ACM program manager in July 1991.

Reading from that report, it says:

> The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue.
>
> The Antideficiency Act has been violated, and the Air Force has incurred additional costs by not reporting Antideficiency Act violations and requesting congressional relief.

Now, what did Colonel Bolton know, when did he know it, and what did he do? We can safely assume that he knew in July 1991 that the cost to complete the ACM exceeded amounts available for obligation. Money is a lifeblood of any program. As program manager, he had to know exactly how much money he had and what he owed. He had to know that he was about $100 million short, and the shortage was increasing every day. He had $100 million in bills from General Dynamics/Convair but no money to pay those bills.

Colonel Bolton was faced with two difficult choices: Stop work, report the violation, and request relief, or pursue illegal funding solutions.

Colonel Bolton chose to pursue the illegal option, no doubt with the approval and guidance from his superiors, including former Secretary of the Air Force Donald Rice.

With Colonel Bolton's career on the line, we cannot proceed on mere assumptions. We need hard evidence. We need to know exactly what Colonel Bolton knew and when he knew it.

Toward that end, I sent a series of questions to Colonel Bolton in a letter on April 29, 1993. I have yet to receive a response. A nonanswer came from the Assistant Secretary of Air Force for Financial Management, Mr. John Beach. Mr. Beach's nonanswer was dated May 13, 1993. Mr. Beach essentially told me, and the Congress, to take a hike. Mr. Beach said that my letter to Colonel Bolton had been referred to him for a response and that there would be no response.

Mr. President, I included that in what I received unanimous consent to submit.

So, Mr. President, I hate to say it, but Mr. Beach is not to be trusted in this matter. He has no credibility. Mr. Beach is up to his ears in the ACM Antideficiency Act violation, and I have documents to prove it. Both Mr. Beach and his boss at the time, Mr. Michael B. Donley, who has been Acting Secretary of the Air Force until recently, knew the ACM was in violation of the Antideficiency Act but failed to report it, as required by law.

I have a document that bears Mr. Donley's title "SAF/FM." It is dated March 1, 1992. On that date, Mr. Donley was SAF/FM.

The document was presented at a worldwide conference of Air Force financial managers at Melbourne, FL, on March 4, 1992.

Mr. Donley was present and spoke about it.

This documents states flat out that three Air Force missile programs—ACM, Titan IV, and, AMRAAM—have antideficiency violations.

This entire matter was clearly within the cognizance of Mr. Beach's office at the time.

To this day, only two of the three violations have been reported. Titan IV and AMRAAM took direct hits. ACM skated. ACM was inoculated—immunized against the dreaded disease. Was

this done to save Colonel Bolton's promotion?

The March 1992 document, when coupled with other damaging evidence, tells me that Mr. Donley, Mr. Beach, Colonel Bolton, and a number of other officials all knew that the ACM program was in violation of the law. The documentary evidence is overwhelming.

Mr. President, that concludes my statement for today, but I have much more to say on the matter and will continue the discussion either tomorrow or next week.

Mr. President, I am also placing in the RECORD at this point an excellent article by Mr. George Wilson on the ACM procurement fiasco. This is a wakeup call in the current issue of the Air Force's hometown newspaper, the Air Force Times.

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

AF HANDLING OF PROCUREMENT DISASTER DAMAGE

(By George C. Wilson)

Defense Secretary Les Aspin has called the Air Force's advanced cruise missile program "a procurement disaster."

Yet one of the colonels who managed it is now up for promotion to brigadier general. Therein lies an enlightening tale of why Congress gets mad at the military.

The other services dare not snicker too loudly because they took many of the same wrong turns on their weapons programs.

The Army tried for everything on its LHX helicopter and still has nothing, the Navy will never recover from its A–12 attack aircraft fiasco, and the Marine Corps stands accused of having a champagne taste but a beer pocketbook for its new aerial taxi, the V–22 Osprey tilt-rotor aircraft.

But the AGM–129A advanced cruise missile—or ACM—is worth singling out because it is a classic case of how not to handle procurement.

It is bound to make more bad news soon because the Air Force has chosen confrontation over cooperation in dealing with questioning lawmakers.

The ACM was born during the Cold War. The Air Force wanted a missile that could be fired farther out from Soviet defenses than the AGM–86B air-launched cruise missile aboard B–52 Stratofortress bombers.

The Air Force put the ACM in the Pentagon's black budget—the one where mistakes are often hidden so long that they cannot be corrected, as was the case with the Navy A–12, which former Defense Secretary Dick Cheney canceled.

The Air Force, rather than try for modest improvements in its existing penetrating missile went for broke—and got there financially, if not technologically.

By 1988, Aspin, as chairman of the House Armed Services Committee, heard the ACM was in trouble and investigated. He waved the first big, red flag at the Air Force with these words spoken on the House floor April 21, 1988:

"It is a procurement disaster. The ACM is the worst of the programs the committee has looked at. High classification has proved no barrier to bad management."

But Air Force program managers pressed on, throwing more millions at the technical problems. Its prime contractor, General Dynamics Corp., geared up for production. Costs skyrocketed. The Air Force ACM bank account went dry.

When a Pentagon program runs out of money, "anti-deficiency" rules require the service to notify the President and Congress. Congress usually will approve a request to raid another account for money if the service submits a reprogramming request.

The Air Force ignored both of those standard procedures and opted for an end run. It canceled existing contracts on the ACM with the idea of covering more than $100 million in old costs under a new contract This angered another one of its usual allies, the Senate Armed Service Committee.

"Had new contracts been completed," the Senate committee scolded in a report, "the Air Force have had to pay both more profit to the contractor than would have been provided under the original contracts, and more than the ceiling amounts in the original contracts."

As it turned out, President Bush last year decided that with the end of the Cold War the United States could safely halt production on the ACM and Congress refused to appropriate new money for the missile. So the Air Force still has old ACM bills piling up.

ACM project leaders this year are adding insult to injury.

The Air Force is asking the Senate to approve the promotion of Col. Claude M. Bolton Jr., the project manager on the ACM from Sept. 1, 1989, to Sept. 20, 1992, to brigadier general.

At the same time, the Air Force is stonewalling Sen. Charles E. Grassley as he demands to know the role of Bolton and other officials in what the Pentagon's inspector general views as law-breaking on the ACM procurement.

The Iowa Republican has proved numerous times that he can make life miserable for the Pentagon. He already is armed with the IG's report on how the Air Force broke the rules on the ACM, has put a hold on Bolton's promotion and launched a sweeping General Accounting Office investigation.

All this has not been enough to make the Air Force change course, even though the Senate-Armed Services Committee, given its criticism of ACM management, has no choice but to hold up Bolton's nomination.

Grassley sent a list of questions to the Air Force about the role of Bolton and other officials on the ACM and got back from John W. Beach, the assistant Air Force secretary for financial management a one-paragraph, saying-nothing response.

"Mr. Beach essentially told me to take a hike," a furious Grassley fumed.

Aspin is hardly in a position to come to the aid of Bolton and the Air Force on the ACM. Not only did Congressman Aspin call the ACM a disaster, but Defense Secretary Aspin during the C–17 Globemaster III cargo plane flap vowed that poor managers would not be promoted.

In short, by refusing to be accountable on how it handled the taxpayers' money on the ACM project, Air Force leaders continue to make a bad situation worse.

It is long past time for Air Force leaders to change course and provide accountability on the ACM and other projects in this new era of hard choices.

As a wise man once said, "Bad news does not get better with age."

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SAM: I am writing to you about the proposed promotion of Colonel Claude Bolton, U.S. Air Force, to the rank of brigadier general.

Colonel Bolton's nomination has been submitted to the Senate and referred to your Committee for confirmation.

Sam, I have good reason to believe that Colonel Bolton may have engaged in either illegal or improper conduct while program manager of the Advanced Cruise Missile (ACM) program. My suspicions are based on information contained in a recent Department of Defense (DOD) Inspector General (IG) report. That report is entitled "Missile Procurement Appropriations, Air Force," Audit Report No. 93–053, dated February 12, 1993. A copy is attached for your consideration.

Based on the contents of the IG's report, I respectfully request that Colonel Bolton's promotion not be approved—until I am able to verify whether he bears any responsibility for the misconduct described in that report. I have asked the IG to provide the information that I think I need to make a final decision on this matter.

A brief summary of the contents of the IG's report helps to put my concerns about Colonel Bolton's conduct in better perspective.

I am most disturbed over the revelations outlined in the section on "Reprocurement of the Advanced Cruise Missile (ACM)." The information presented in this section suggests a total disregard for the laws governing the use of appropriations.

In a nutshell, this is what the IG found:

ACM program is in violation of the Antideficiency Act.

Air Force failed to report and investigate known ACM violation of Antideficiency Act as required by law.

Air Force attempted to "avoid" or possibly conceal violation by failing to record obligations and terminating and re-awarding contracts.

Air Force failed to record ACM obligations of $112.2 million in accounting records for more than two years.

Air Force terminated fixed-price FY 1987 and 1988 ACM contracts for "government's convenience" and immediately re-awarded contracts to same company, committing government to pay contractor's share of the cost overrun plus additional liabilities.

Inspector General estimates that termination and reprocurement action could cost taxpayers an extra $79.7 million.

Cost overrun on FY 1987 and 1988 ACM contracts were improperly charged to FY 1992 appropriations—a potential violation of 31 USC 1502.

Sam, the Air Force's handling of the ACM "reprocurement" was dishonest from beginning to end.

The General Counsel at the General Accounting Office (GAO) has rendered a legal opinion on the central issue addressed in the Inspector General's report—the failure to report and investigate known violations of the Antideficiency Act.

The GAO opinion is embodied in a report entitled "Analysis of Agency Authority to Pay Overobligations in Expired Accounts and Comments on DOD IG's Proposal to Amend the Antideficiency Act." The GAO document is dated August 11, 1992, and is

identified by the number B-245856.7. It includes a section on "Current Criminal Penalties for Nondisclosure" of Antideficiency Act violations. A copy is attached.

The failure to report known violations of the Antideficiency Act is a violation of federal criminal law—18 USC 4. The Comptroller General report states: "the failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary action." With regard to a failure to record "upward obligation adjustments", the Comptroller General states: "the knowing and willful failure to record an overobligation in an account to conceal a violation of the antideficiency act would be an offense under existing law."

Sam, the IG states unequivocally that the ACM program was and is in violation of the Antideficiency Act. Why have responsible Air Force officials failed to report and investigate this matter as required by law?

The Inspector General's report states:

"The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue."

Sam, exactly when did Colonel Bolton know that incurred obligations against the FY 1987 and 1988 ACM contracts exceeded available funds in the missile procurement accounts for FY 1987 and 1988? On what date did he acquire that knowledge? What steps did he take to report the Antideficiency Act violation to the proper authorities as required by law? Why did he allow work to continue on the contracts once he knew there was insufficient money remaining to pay outstanding bills? Did Colonel Bolton recommend that the ACM cost overrun be handled in more appropriate ways?

I would like to have answers to these questions before I vote on Colonel Bolton's promotion.

Surely, as ACM program manager, he bears some responsibility for what happened to his program.

Your consideration of my request would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE,
Washington DC, April 29, 1993.

Col. CLAUDE M. BOLTON, Jr.,
Commandant, Defense Systems Management College, Fort Belvoir, VA.

DEAR COLONEL BOLTON: I am writing to inquire about your knowledge and awareness of a violation of the Antideficiency Act (31 USC 1341) by the Advanced Cruise Missile program.

I have 7 questions I would like to ask you about a violation of the Antideficiency Act by the Advanced Cruise Missile program during your tenure as program manager. The questions follow:

When did you recognize that the cost to complete the FY 1987 and 1988 ACM contracts exceeded the amounts available in the FY 1987 and 1988 missile procurement appropriations accounts?

When did the dollar value of "contract work authorized" exceed "funding authorized" on either contract?

What steps did you take to obtain additional funding?

What actions did you take to report the violation of the Antideficiency Act "through official channels to the head of the DOD component involved" as required by DOD Directive 7200.1 and statutory law (31 USC 1351)? (Provide a list of persons you contacted)

Why did you allow work to continue on the FY 1987 and 1988 contracts once you realized there was insufficient money available to pay outstanding bills?

Were you aware of the potential for incurring additional costs to the government through cancellation and reprocurement of the ACM contracts and to whom did you report that concern?

On March 25, 1992, Secretary Rice approved the ACM reprocurement plan to cover the cost overrun on the old contracts with FY 1992 appropriations. At any point, did you recommend that the ACM cost overrun be handled in more appropriate ways?

A written, signed response to these questions is requested by May 7, 1993.

Your cooperation would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, May 13, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR GRASSLEY: Your letters to Colonel Bolton and Mr. Smith, both dated April 29, 1993, have been referred to this office for response. In an effort to ensure that all the facts and relevant decisions on the Advanced Cruise Missile (ACM) program are made known, the Acting Secretary of the Air Force has directed a full review of potential violations of the Anti-Deficiency Act in accordance with the law and implementing regulations. The results of this investigation and any recommendations will be provided to the appropriate officials in the Administration and Congress. The investigation results should provide the information you requested of Colonel Bolton and Mr. Smith.

Sincerely,

JOHN W. BEACH,
Principal Deputy Assistant Secretary of the Air Force (Financial Management).

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont, Senator LEAHY, for 15 minutes.

Mr. LEAHY. Thank you, Mr. President.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1276 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 15 minutes.

LIFT THE UNITED STATES ECONOMIC SANCTIONS AGAINST VIETNAM

Mr. MURKOWSKI. Mr. President, today I ask my colleagues to join me in taking a positive step which I think is long overdue; that is, to lift the extreme economic sanctions in place against Vietnam under the Trading With the Enemy Act of 1917.

Lifting the sanctions would provide increased access and serve three mutually compatible goals:

First, it would speed up the progress of resolving this country's highest priority issue, and that is to resolve the fate of the POW/MIA's by a full accounting.

Second, it would increase our international competitiveness by allowing United States companies—some 160—who are already in Vietnam, to compete in an exciting new world market. We know that Japan, Korea, France, Germany, and many other nations, are already there. The United States is not there.

Third, it would promote free markets, democracy, and human rights in a country that is clearly hungry for all three.

I commend the administration. They have made some positive steps, but they have stopped short of the most useful step of all, which is lifting the embargo. I certainly welcome the President's decision to end the United States opposition to allow IMF to refinance Vietnam's $140 million debt. The decision will benefit the Vietnamese people, because they will have access to funds to rebuild their infrastructure destroyed in the war. The decision certainly would benefit the United States as well if the President allowed the U.S. business community to participate in the projects.

I also welcome the fact that the President sent a high-level delegation to Vietnam. Assistant Secretary Winston Lord and other witnesses testified yesterday before the East Asian Subcommittee of the Foreign Relations Committee.

We have a problem though, and that is that the administration has given the Vietnamese a very vague set of markers for when further steps are to be taken. The administration is asking for progress in specific areas; but they will not define exactly what they mean and what measuring device they have. We do know that by mid-September of this year the sanctions will automatically expire, unless they are extended by the President.

We had other witnesses, including our colleagues, Senator BOB KERREY and Senator JOHN KERRY, who did an excellent job. The witnesses reported on the great progress that has been made over the last 2 years in resolving the fate of our POW's and MIA's. It is clear from the testimony that the progress is a result of increased access in Vietnam.

Very simply, I think the United States will make more progress if there is more access. Therefore, I am asking my colleagues at this time to cosponsor a bill, S. 691, a bill I introduced in April with Senators LUGAR, PELL, DODD, PRESSLER, and WALLOP.

The bill will lift the most restrictive aspects of the trade embargo. It does not normalize diplomatic relations and it does not grant MFN.

Simply, it increases access through trading relationships which would give

the United States more leverage and not less. Leverage comes from engagement, not isolation. The bill would allow the President to reimpose restrictions. The bill uses a carrot and stick approach.

I encourage my colleagues to join me in a positive step toward the three worthy goals I have outlined:

First of all, and most important, helping those families that are entitled to an accounting for the loved ones they lost in Vietnam. This is done by access, and not by 19 more years of a standoff.

Second, it would help make America competitive in world markets.

Third, it would promote freedom, democracy, and human rights in Vietnam.

Let us send the Vietnamese a United States presence that they cannot ignore. Let us end the trade embargo.

THE EXPORT ADMINISTRATION ACT

Mr. MURKOWSKI. Mr. President, I rise in opposition to a bill that was introduced by two of our colleagues, the Senator from Washington and the senior Senator from Oregon, the day before yesterday. It is referred to as S. 1265.

This is a bill to amend the Export Administration Act to permanently ban the export of Alaska North Slope crude oil. This legislation would keep the ban in place, whether the Export Administration Act was reauthorized in the future or not.

As the Chair knows, the Export Administration Act, section 7, prohibits the export of oil transported through the trans-Alaska pipeline. Senate bill 1265 would amend the Export Administration Act to require the ban on North Slope oil to be specifically repealed, instead of simply letting the ban lapse.

Hearings are anticipated in the House Banking Committee some time this year.

Mr. President, this legislation is not necessary. It simply repeats a ban that is already in place in the authorizing legislation for the trans-Alaska pipeline. However, I think it is fair to recognize that there are certain inconsistencies in the logic suggested in the bill that has been introduced by my two colleagues from the Pacific Northwest.

The bill suggests it is in the interest of the States of Washington and Oregon, specifically, to extend the ban. I suppose the Senator from Alaska should rise and introduce a bill prohibiting the export of apples from the State of Washington or perhaps pears from the State of Oregon. Well, the logic of that certainly does not make sense. It does not make sense that we should have legislation in this body directing my State of Alaska to not be allowed, by Federal law, to export its oil in a free market.

The suggestion is that we are going to lose jobs. Well, clearly, there are jobs associated with the development of oil and the Prudhoe Bay oil field is the largest oil field in the United States, producing about 24 percent of the total crude oil produced in the United States for the last 17 years.

The oil goes down primarily to refineries in the Pacific Northwest. In the Puget Sound area, there are several refineries that utilize the oil, and they are dependent on it. The alternative to Alaskan oil is to bring it in from the Mideast, Canada, and other areas.

The fact is that this comes like a poke in the eye to the State of Alaska—a poke with a sharp stick, I might add—because it suggests that somehow this body has an inherent right to prohibit the oil from my State searching out and finding the free market.

I remind my colleagues that this is not oil from Federal lands; this is oil from State land.

The oil is owned by the oil industry as well as the State of Alaska, which has a one-eighth royalty share. The Senators from Alaska proposed for some time that the State be allowed to export its royalty oil as the market might see fit. This is objected to by the maritime unions.

What we have here is a crass example of protectionism at its worst. Not only do we have inherent in existing law in the Jones Act a prohibition which requires that the movement of any commodities between two American ports must be in a U.S. bottom—that is protectionist legislation—we have authorization for the Alaska pipeline that mandates that any oil moving through this pipeline must be consumed in the United States. This is poppycock.

One of the inconsistencies that is so notable is the reality that both Washington and Oregon have self-interests. I recognize this. The utilization of the refineries and jobs associated with the refineries in the State of Washington, the realization that the ships that carry this oil, U.S.-flag tankers, for the most part, are repaired in the Columbia River shipyards by American labor, that is significant.

There is realization to refer to where that shipyard came from. Dry dock No. 2 was built in Korea and towed over. There is not a great deal of mention of that reality, but that is a fact.

But the concern is jobs in these areas, and to ensure that through protectionist legislation, Alaskan oil is prohibited from finding a free market, not to suggest that it would not go there anyway because of the proximity, but the realization that we are going to prohibit by law one individual State the ability to export its resources.

I find this rather interesting because in the floor reference there is a suggestion that somehow the State of Alaska that is pursuing under the constitutional status its right to export its oil, somehow cannot possibly prevail in that case.

I am reminded that the State of Washington recently won a suit claiming that Federal laws banning the export of State timber resources were unconstitutional.

They would argue that a similar prohibition against Alaska oil is legitimate and necessary. That is absolutely inconsistent.

The State of Alaska will initiate the suit. I think the State of Alaska ultimately will prevail in that suit.

What is lacking in the whole argument, Mr. President, is the realization that Prudhoe Bay oil is declining; as a consequence, there is a job threat not only to refineries but in the shipyard and the oil fields of Alaska. But where are my colleagues in regard to sustaining the flow of oil? Where are they in standing behind the Alaska delegation in support of opening the ANWR? There is the inconsistency that I would remind my colleagues exists.

We obviously share concern in responsible development. We think that Prudhoe Bay is the best oil field in the world. We think we in Alaska are doing a very responsible job in developing this field and make no apology to anyone. To suggest that we should be singled out for a prohibition that prevents our resources to find their own markets is simply unacceptable.

One cannot help but note the recent article that appeared in the Washington Post with regard to the last major U.S. merchant ships seeking refuge under foreign flags. Twenty Sealand ships are now pursuing relicensing under foreign flags and American President Lines is seeking relicensing under foreign flags. Over 1,000 potential U.S. jobs are at stake.

But the simple fact is that U.S. vessels can no longer operate without a subsidy in foreign trade. That is the reality that we are faced with. This body is either going to subsidize U.S. shipping or it is not.

The consequence associated with U.S. shipping as far as Alaska is concerned is that the unions are very dependent on the protectionist legislation which mandates that the oil flow in U.S. flag vessels. As a consequence, most of the tonnage in our tanker fleet is directed to the movement of Alaskan oil.

Nevertheless, I do not see a great effort in this body or any other body to continue the subsidy for our U.S. merchant ships. As a consequence, what I see is an extension of the protectionist legislation, and I would again remind my colleagues that as we talk about free trade, as we talk about market access, as we talk about NAFTA, at the same time we are talking about putting more restrictions on Alaskan oil.

I would encourage those who feel that way to get behind the responsible opening of additional domestic oil fields because, as the Chair is very well

aware and was evidenced in another recent report, U.S. output of domestic oil production is at a 35-year low.

What are we going to do when domestic oil production has declined to a point where we have another 20 or 25-percent reduction? We are simply going to import more oil. What does that oil come over in? It comes over in foreign ships, not crewed by U.S. sailors, not built in U.S. yards.

That is a brief review, Mr. President, of the situation, and Alaskan finds themselves very indignant relative to this type of prohibition, and we would remind our colleagues that we have an alternative.

Many Alaskans do not feel that a simple lawsuit is sufficient, and the treatment we are getting is very frustrating. More and more Alaskans are suggesting secession from the Union as an alternative to get a little attention. But obviously that is not an alternative that is realistic. But the fairness of the issue is realistic, Mr. President, and I would implore my colleagues to examine the equity issue associated with the bill that has been introduced, S. 1265. It is not fair. It is not just. And if we have to end up in the courts we will, and we will prevail in the courts.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan, Senator RIEGLE, is recognized to speak for up to 30 minutes.

Mr. RIEGLE. Thank you very much.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, beginning last August I have been telling a story each week the Senate has been in session about a Michigan family, or individual, or business, or institution that is facing a problem with the health care crisis here in our country. During that time I have told stories about young people, about old people, about people inadequately insured, those who have no insurance at all, people out in rural areas struggling to try to have health care and not getting it, people in urban areas, retirees, and many others. While each of these people come from different backgrounds and circumstances, they all have been in a terrible situation where they are not able to get the affordable health care coverage they need.

It cost them many things including their peace of mind. They are under severe financial pressures resulting from skyrocketing health care costs and have no adequate way to protect themselves with affordable insurance.

I have now told the story of 26 different individuals and families over the last year, and they are just a sample of the countless thousands of cases like this occurring in Michigan. Each week I receive hundreds of letters and phone calls on health care crisis type situations that are overwhelming our people, and that is true across the country.

Today I rise to present the 27th case, that is of John Moyer of Ann Arbor, who has been laid off from his job at the age of 48. As a result, he has lost his health insurance, which he and his wife and his two children depend upon. For a time he will likely take advantage of the COBRA option in the law which allows him to continue his insurance as long as he pays a very high premium, but his monthly cost of insurance will go up from $228 to $565. That is for 1 month's premium. Bear in mind that he is now unemployed, so he has lost that stream of income.

The COBRA benefits, if he can afford even to maintain them, will run out after 18 months. If he has not found other work, he is completely out on his own. John has a slight case of multiple sclerosis and is concerned he will not be able to afford health insurance because of a preexisting condition. Insurance companies screen out people with any kind of health problem if they can possibly do so. We know that most companies will not provide coverage where there is any kind of preexisting condition in the picture.

Small business owners face the same kinds of problems, including skyrocketing health insurance premiums. The case of Gerald and Sue Gibson is an illustration. They own a small trucking company in Sturgis, MI. They have owned the company since 1978 and have always purchased their own health insurance. They wrote to tell me they had to drop their health insurance after the monthly premium rose from $67 back in 1988, not all that long ago, to $439 a month in 1992.

They just could not afford it because of these higher rates, and now they have had to give up their insurance. In so doing they live with the great fear of an unforeseen illness or accident that can happen at any time and that would require hospitalization.

In this case, the Gibsons are willing to pay for their health insurance—they are not looking for a free ride—but they just cannot afford premiums at this level. And most people in this country cannot either.

Since they had to give up their health insurance last August, Sue has continued to look for affordable insurance for herself and her husband, but she has encountered discrimination against her husband because he has high blood pressure.

Well, a lot of people in this country have high blood pressure. And the miserable problems that we have not solved in the health care area is causing more people to have high blood pressure.

He is considered to have a preexisting condition, so the insurance companies basically do not want to cover him. So this makes it especially difficult and essentially impossible for the Gibsons to get the affordable health care insurance they need.

They are not alone in this dilemma. The high cost of health care coverage has forced many small business owners across the State of Michigan and the country to have to sacrifice their health insurance for their employees and, in many cases, even for themselves. They are trying to run businesses, trying to provide jobs for other people, living under the tremendous anxiety of knowing that, should they get sick or should an accident happen, they are not covered. They might find themselves in a situation where some medical problem could arise that could literally wipe them out, take their business, and put the family as a whole in a terrible situation.

This is self-destructive to our country. It hurts these families; it is hurting business formation; and it just makes no sense. And we can do something about it.

I want to also touch on the problem of the increasing number of early retirees, many who are asked to leave their jobs because so many companies are downsizing and getting rid of people. So they have been asked to leave or they have taken an early retirement under that kind of pressure. In many cases, they have to purchase their own health insurance and they are facing sharply escalating health insurance premiums.

One such family is Doris and Dean Darling, who are two retirees from St. Helen, MI. They do not have health insurance. They are currently facing over $38,000 in hospital and doctor bills from a recent heart attack that Doris had. She is 57 years old and her husband, Dean, is 63 years old.

Until Dean retired, the Darlings had health insurance through his employer, which was a trucking company. But Dean's company does not provide health insurance for retirees, and Doris' employer did not provide insurance for either employees or for retirees.

Neither Doris or Dean are eligible for Medicare until they turn 65. So, like many retirees who are under the age of 65, they have fallen between the cracks. They are uninsured. They are out there right now. They are now buried under all of these doctor and hospital bills and they have no way to cope with it. And it is wrong, it is unnecessary, it is bad for America, and it is time to fix it.

They have been unable to get health insurance because they also are facing the problem of preexisting medical conditions because of a history of heart disease in their families.

Many families have a history of heart problems. We cannot have people screened out just for that reason.

As a result, Doris had no insurance last December when she had a heart attack. They live on a fixed income and they do not have the resources to pay for these large hospital bills. And every night when they go to bed and every morning when they wake up, they are burdened with the worry of this. And the stress and anxiety, in all likelihood, is going to shorten their lives.

That is just not right. I think retirees such as the Darlings deserve access to affordable health insurance to provide them with the peace of mind they should have during their retirement.

These stories are not unique to Michigan. People like John Moyer, Gerald and Sue Gibson, and Doris and Dean Darling can be found all across the country. There are stories of people who are making choices between either buying food, on the one hand, which they need to sustain them, or buying very expensive health care coverage, on the other.

There are stories of people who fear changing jobs because they know they will lose the health protection that they now have with one employer and not be able to carry it over to the next.

There are stories of families who pay large sums for very limited coverage, and then when something happens, they find the coverage that they have been paying for does not even apply. And so when the time comes to use it, it does not mean anything.

The faces of the health care crisis are truly American faces. They are in all age groups, all circumstances, all across the country, all 50 States. They are the faces of our friends and our neighbors. It is the grocer down the street, the bank teller, the person at the gas station. Wherever we look, we see people who are in these situations.

I want to welcome my colleagues today—Senator WOFFORD and Senator KERREY—who are coming to the floor to join in the effort to put a human face on this health care crisis in America.

These stories prove the urgent need for reforming our health care system.

I want to commend the President of the United States, President Clinton, and First Lady Hillary Rodham Clinton for getting out in front on this issue; to say it does not have to be this way; that we can change it and change it for the better; and that we ought to have a health care system in this country that is affordable and that reaches out and can provide the kind of protection for everyone in this country.

I have seen cases—and I will not go into the details of it right now—but there is a case of a young, single mother in Detroit, who I have talked about here on the floor before, with a little 6-year-old son. She ha a little, tiny bit of health care coverage that does not cover the medical bills. She has had no coverage for him—absolutely no coverage for him. And our country, in a sense, has turned away to say that that young fellow just is not important enough to have health insurance.

Well, yes, he is. Yes, he is. That child and every other child in this country is just as important as the child of every Member of Congress or everybody in this Cabinet or prior Cabinets or anybody that is in Government or out of Government.

We ought to have an affordable health care plan in place that looks after the good health of our people. After all, people are the most important asset we have. Our people are what counts in this country. They make the country. They are the country. It is time we look after their health needs with an affordable health care plan and not have people like these situations I have just described out there among the walking wounded, needing help, needing protection, and not getting it.

We can do better than that in this country. It is time we do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY].

HEALTH CARE REFORM

Mr. KERRY. Mr. President, I thank the distinguished Senator from Michigan for giving us this opportunity.

Very soon, after, I expect, we get back from the August recess, the President is going to come to Congress and say, here is my health care proposal to deal with four problems that I am going to talk about this morning.

Mr. President, all of us understand, or should understand, when it comes to health care and health care reform, that we are going to have to change.

Let me emphasize that. We are going to have to change. This is not about enacting some new program merely to take care of people who are in need. We are going to have to learn more about health care, we are going to have to become more informed, we are going to have to accept personal responsibility, both for making payments and participating in cost control.

Unless we are prepared to change the contracts that we have as individuals—I am talking about we as Senators now, not we in the abstract, but we as Senators—unless we are prepared to change the contracts that we have, then I believe we will struggle to solve the problems that I am going to describe here this morning.

Mr. President, I believe that there is a growing consensus—and I believe the President will describe it as a foundation of his proposal—that health care be established as a right with responsibilities.

Let me emphasize that. One of the questions that citizens need to ask when they hear politicians describe their proposals—because we are going to have a debate—one of the questions that needs to be asked is: How will I know if I am eligible?

And if the answer contains some equivocation, lots of "buts" in the answer, then I would become deeply suspicious.

But if the answer is a clear "if you are an American, you will know that you are eligible," then, Mr. President, not only will we provide individuals with security, but we will also save tens of billions of dollars by being able to eliminate administrative expenditures.

Mr. President, you will hear very often people come to the floor and say, "Well, if you have a proposal like Senator KERREY is talking about, where health care is established as a right, you will have rationing.

Mr. President, I am going to describe four individuals who have experienced rationing right now under our system, who thought that they had health care but, at the moment that they needed that health care, they heard that magic word "but, as a consequence of this special condition, we are not going to make the payment."

Let me describe, first of all, Mr. President, a woman in Omaha, NE, who explained that when her husband died—now, lots of people have had friends whose husbands have passed away. He was in the work force, working. This is not an unusual circumstance. Her husband dies. Her husband was working. She is extending coverage to herself by using the COBRA conversion provision that Senator RIEGLE talked about earlier.

However, when the company that her husband used to work for changed insurance carriers, she received notice that her premiums would increase from $4,000 a year—and let me emphasize this, Mr. President, this woman was willing to pay. She was not asking for something for nothing. She was paying $4,000 a year. But she was told her costs were going to go to $7,000 a quarter. She was priced out of the market. Why? Because she had a mastectomy in 1988 and was told now that she has to pay $28,000 a year just to keep her health insurance. She is being rationed out of health care in this country simply because we have not established clearly that if you are an American you have health care.

If you are an American, you have responsibilities; you will understand what your responsibilities are to pay and participate. But you will know with certainty that as a consequence of your husband's death or a mastectomy or some other sort of thing happening, you will not be told, "had this not happened to you, we would have covered you."

The second individual I would like to describe—it is something I think we have all experienced, the tragedy of an accident—was a woman who was 8 months pregnant. She was injured in an auto accident when a drunk driver

ran a red light and hit her. It was unquestionably not her fault. The individual tested beyond the legal limit of what was allowed. Her 3-year-old daughter was killed and her 2-year-old daughter was also injured. Her employer happens to be an insurance company, and that is where her insurance was written. She ran into an issue that the lawyers called subrogation.

Maybe you have all heard of subrogation. Essentially, when your insurance company says we want you to sign a letter stating you will assign any future settlement to us before we will make any health care payments, that is subrogation. You are faced with this terrible legal question. Again, you are told yes, you have health insurance, but you have to satisfy this rather arcane and difficult-to-understand legal requirement. It is not illegal what is going on. I am not suggesting the insurance company is doing something illegal. I am merely suggesting that citizens who have been paying for insurance should not have to worry about settlements and hospital bills immediately following this kind of tragic accident.

I believe a very simple way to solve that, again, for the third or fourth time, is to say the foundation for health care reform in the United States of America will be with certainty to say if you are an American, that is how you become eligible, not as a consequence of proving that somehow you have satisfied some other legal requirement.

The third example is an instance of a woman living with her husband who was abusive. She is at risk, she and her children. She leaves her husband. She cannot earn a living; she had not had the skills. And so, as a consequence, she goes on welfare and goes back to school, getting job training. While she is on welfare she receives, along with 30 million other Americans as a consequence of proving that they are poor, health insurance benefits called Medicaid. She has to prove she is poor. The minute she can no longer prove that she is poor, she loses her health care benefits, and that is what happened in this case.

This woman went back to work, earning $5.50 an hour—hardly what I would describe as wealthy, Mr. President. She lost Medicaid as a consequence. The rules are her children are still covered, but she is not. That might work for most people, but this woman is an insulin-dependent diabetic, a previous condition that makes it impossible for her to buy insurance. Once again, caught in the rules, caught in the buts, caught in the excuses, caught in the rationales.

And to every person who comes to the floor and says we would not want to have a national insurance policy based on a right to health care because we are going to have rationing, I will give you this woman's phone number. Call her up and tell her you would vote for something that could establish a clear, unshakable, indivisible right to health care, but you are concerned about rationing. I think you will find yourself talking with somebody who will talk you out of that argument.

The fourth example is similar to one that the distinguished Senator from Michigan described earlier. Here is a self-employed man. He called the office. He is 59 years of age. He owns a small excavating business. He has one employee. His insurance company continued to ratchet up the cost, and eventually it got to a point where he could not afford it. Now he has no health insurance.

Mr. President, 15 percent of the households in Nebraska—it is national, I suspect; Michigan is the same, Colorado is the same—one out of seven households get most of their income as a consequence of being self-employed. The tax bill we passed allows 25 percent deductibility, still nowhere near what we allow most businesses. This individual found himself saying, "I can no longer afford to buy health insurance. I am 59 years of age. I am sitting here waiting until I can prove I am old enough."

Once again, we have a program that says if you prove you are old enough, you are eligible. That is the requirement. You come in and say: I can prove I am 65. I am old enough now; I am eligible for Medicare. This ends if we simply establish we are going to say to every single American: All you have to prove is that you are an American and you are covered. That is the only question we are going to ask.

I say once again, for emphasis in closing, I do not believe anyone should come here with the expectation they are going to get something for nothing. Not a single one of these four people are saying that they are unwilling to pay. Not a single one of these four people are saying that they want something for nothing; or that they want a free health care system. That is not what they are requesting. They are simply requesting a health care system that guarantees them the security that health care is going to be there, and does not cause them to get caught in the cracks.

There are an awful lot of people who may need to be reminded: One of the reasons health care is such a crucial issue is that the costs have gone up so dramatically, so it is difficult today to pay for these health care bills out of pocket. I had a baby 18 year ago; I had a daughter 16 years ago. And I paid for both of their births with cash. In Virginia, it costs $10,000 for a 2-day normal delivery. That is what a birth costs today in Virginia, for hospitalization and a doctor. You cannot out-of-pocket that expenditure, Mr. President, and every other health care expenditure has grown in a similar fashion.

Americans are at risk. They are turning to welfare instead of going to work. They are living in fear because they have to wait for the final 5 or 6 years for Medicare eligibility to roll around. They are being told that their employers, even when their employers are insurance companies, are not going to pay for hospitalization, even in a situation as tragic as the one I just described.

We have Americans who are coming in who are being burdened unnecessarily. We can change all that. I believe there is consensus among Republicans and Democrats who have studied this issue that we can change all this, solve this, if we will simply say there is a right to health care—with responsibilities—but a right: Unshakable, undeniable, indivisible, irrevocable. So when you are trying to figure out if you are covered, all you have to answer is one single question: Am I American?

I yield the floor.

The PRESIDING OFFICER (Mr. CAMPBELL). Senator WOFFORD is recognized.

RACES OF THE HEALTH CARE CRISIS

Mr. WOFFORD. Mr. President, I thank the Senator from Michigan [Mr. RIEGLE] for starting this process of presenting the human faces of health care, and I salute the Senator from Nebraska [Mr. KERREY] for his continued eloquence on the two key points: That there must be recognized a right to health care for every American; and that every American must recognize his or her responsibility for health care. And we in this body, in the Senate, have a responsibility to take the actions we need to make the right to health care a reality for every American.

The debate over health care reform is often defined by complicated jargon and reams of statistics. But behind those numbers there is a far more important bottom line: The cost our current health care system is now inflicting on millions of American families—on those who lose the coverage they thought was secure; on those who cannot pay the skyrocketing bills; on those who are forced to cope with stacks of confusing forms, paperwork, and redtape.

This morning, we will soon return to debate over national service. It is a program which can make a major contribution to the delivery of primary and preventive health care in this country.

For example, national service participants can be the ground troops in the achievement of universal immunization of children who need vaccinations before they turn 2.

But now, I want to share a story about one family in my State, a family whose health and financial security is being threatened by the growing practice of corporate America to cut back or cancel retiree health benefits.

In 1987, at the age of 55, Melvin Spector of White Oak, PA, south of Pittsburgh, retired from his job at Allegheny International, a Pittsburgh-based manufacturing conglomerate. He had worked there for 14 years. At the time, Melvin Spector had every reason to believe that his retiree health benefits were secure.

But Sunbeam-Oster, the company which bought out Allegheny International, recently notified Melvin that it was cutting off his medical and life insurance benefits because of spiraling costs. These were lifetime benefits that had been promised to him orally and in writing, benefits he had worked for and had good reason to assume would always be there when he needed it most.

Melvin now must pay $8,000 a year in insurance premiums. His wife, Ilene, has diabetes, hypertension, and psoriatic arthritis—preexisting conditions that make it almost impossible to find a more affordable policy.

At 62, Melvin does not qualify for Medicare for another 3 years. Ilene's only 55. The Spectors worry that their health care costs are so high that, before long they may have to sell their home.

The Spectors are not alone. Across the country, workers who have given decades of their lives to their companies are being left out in the cold by cutbacks in retiree health benefits, benefits they fought for, worked for, and were promised by their employers. Retirees the Unisys Corp. in Blue Bell, PA, at the other end of my State, face a similar crisis.

These are people who showed up to work every day, paid their taxes, paid their dues and often took lower wages in order to receive some peace and security in their retirement. But in the last few months, more and more companies have either reduced retiree health benefits or dropped coverage altogether—because costs are out of control. One recent study found that two-thirds of companies are planning to reduce or cut off retiree health benefits.

This problem does not just hurt retirees. It affects all of us. When companies cut off retiree health benefits, what they really do is shift those costs right onto the taxpayers. Because many of those older citizens will have to turn to Medicare and Medicaid or, if they do not, to go into the emergency room when their hospital bills then are shifted to all those who have other plans in the private sector, as well as the public sector.

Melvin Spector has filed suit against his former employer, on behalf of himself and over 2,000 other Allegheny International retirees. The legal battle could take several years. In the meantime, Melvin and his wife are on their own. So are thousands of others like them across the country.

I have introduced legislation this week called the Retiree Health Benefits Protection Act, which would help retirees defend their health benefits in court. The bill would require companies to keep benefit plans in place while the legal battles get argued.

But this legislation is only a stopgap. Melvin and Ilene Spector's story is just one more example of why we cannot delay comprehensive health care reform. It must be the next main order of business after we pass a 5-year deficit reduction plan that puts our economy back on track.

As the cutbacks in retiree health benefits show, we need comprehensive health care reforms which control costs and guarantees every American family a standard package of health care benefits, throughout their lives, no matter where they live or work, no matter whether they are sick or retired.

The Spectors remind us that neither our Nation, nor our individual families, can afford the costs of the existing health care system. It is our current system that is bleeding our economy white and draining the security of American families. To those who will argue that we cannot afford to change, the real faces of the health care crisis answer that we cannot afford not to.

I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I rise principally to introduce a bill that is very important to Upper Midwest dairy farmers. Before I do, I am going to take a minute to compliment my colleagues with regard to their remarks on health care reform and maybe expand a minute or two on a couple of thoughts.

My good friend, the junior Senator from Pennsylvania, said we cannot delay health care reform. I just remind my colleagues, in the nicest way I can, that the senior Senator from Pennsylvania has been saying that on the floor of the Senate, with a variety of motions now, for about a year and a half. I do not think there is anybody on this side of the aisle anymore who is delaying the process.

So the wonderful thing that has happened over the past few years is that everyone, Republican and Democrat alike, and the constituents we represent, is anxious to get on with the task of providing a guarantee of access for every American to affordable health care.

It is my hope that the bipartisan spirit that has been generated over time about the nature of the problem can be translated into a bipartisan solution to the problem as well. I think we all know that, last year, the Democrats were looking for leadership from a Republican President. This year, it is the Republicans and the Democrats who are looking for leadership from a Democratic President. To paraphrase a former Vice President and a Senator from Minnesota, "All I can say is, where's the plan?" We are ready to go to work and participate in the process of reforming health care. We have been for a long time—and I compliment my colleagues.

I will suggest that, just listening to their comments this morning, there is going to be more to the process of health care reform than meets the eye. The comment is always made that the costs are out of control. I am going to take a minute and argue the costs are not out of control. My colleague from Nebraska on this floor some time ago referred to one of his staffers who was pregnant and had a very normal delivery just over the bridge in Virginia and it cost about $10,000, without getting the radiologist or anesthesiologist bill. He referred to that again this morning. I think the cost of that procedure in my State of Minnesota would be in the neighborhood of $3,500.

It is also true that when Medicare reimburses the average Minnesota older person, they are paying about at least two times less to a Minnesotan in a city like Duluth, for example, than they are paying in southern California or they are paying in Miami, or Philadelphia, or Washington, DC.

The reality is that costs can be controlled and costs are being controlled in my State of Minnesota and costs are being driven down by changing the way medicine is practiced. It does not have to cost $10,000 for a perfectly normal delivery. It probably does not have to cost $3,600 for a perfectly normal delivery. So many things in medicine today need to be changed.

The people who are doing the changing are communities. In my area, it is the community of the doctors and the hospitals and the employers and the HMO's and the PPO's and a variety of organization driving those costs down to below 15 percent of the national average. There is no doubt in my mind, as someone who spent the better part of adult public policy lifetime dealing with this issue, that if we really set about changing the practice of medicine, the health care delivery and the way we buy it in this country, right now we could bring the cost of medical care below 9 percent of the gross national product in 10 years.

Everybody is talking about going from 14 to 20 percent. If we just do what we are doing in States like Minnesota and beginning to do in States like Colorado, start to change the way medicine is practiced in this country and how we, the consumers, buy it, we can turn it around. To say it is out of control is a misnomer. It is in the control of people in this room and everybody in the communities. We need the leadership to design a way to remedy it.

(The remarks of Mr. DURENBERGER and Mr. FEINGOLD pertaining to the introduction of S. 1277 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STICKING TO THE DEFICIT REDUCTION TARGET

Mr. FEINGOLD. Mr. President, 2 days ago the Federal Reserve Chairman, Alan Greenspan, urged Congress to stick to the $500 billion deficit reduction target that President Clinton had set when he first proposed his budget package earlier this year. Chairman Greenspan stressed that financial markets and the economy would suffer if Congress failed to act on cutting the deficit or in any way reduced its commitment to the $500 billion target.

In Chairman Greenspan's words:

If you appear to be backing off, I think the markets would react, appropriately, negatively. I think we have run out of time. * * * If we don't come to grips with this issue now, we'll always find the means not to do it.

Mr. President, I strongly agree with Chairman Greenspan.

Mr. President, one of the most important messages that this new administration has sent to the American people and to the financial markets is that we are serious, finally, about reducing the Federal deficit. In fact, I see this $500 billion figure as being relatively modest, and really just a downpayment on the deficit let alone on the underlying debt.

We sent a message in this House that Washington has finally realized what the American people have instinctively recognized—that this country cannot continue with the unchecked deficit spending that has grown and grown over the past decade of irresponsible economic policy.

We sent a message that it was time to start paying for what we spend, and that we can no longer simply keep writing checks on money that is not in the Federal Treasury. We sent that message by passing a budget reconciliation package that contains some tough deficit reduction measures, some increased revenue, reductions in important domestic programs, cutbacks in defense spending, and increased fees for Government services. None of these, Mr. President, are measures that we enjoy voting for or that are easy to accept. But they are the kind of steps that must be taken if we are to put this country on the road to economic recovery.

There are some urgent voices that we abandon the $500 billion target, so that we can spare the people the pain which reducing the deficit will create.

Mr. President, that is exactly the kind of shortsighted thinking that got us into this trouble in the first place—the kind of thinking that we could cut taxes while increasing Government spending, the kind of thinking that quadrupled our national debt from $1 trillion in 1980 to $4 trillion today. To abandon in any serious way the $500 billion deficit reduction target could send a message to the American people that in the end we are not serious about the effort to reduce the Federal deficit that was begun earlier this year.

So, as Alan Greenspan has so clearly stated, the possible retreat from the $500 billion figure would be a serious mistake both in the short term for our financial markets and in the long term for our economic future. To seek short-term political rewards in exchange for long-term deficit reduction is a bad deal. And I think we should reject it.

Thank you, Mr. President.

I yield the floor.

IN MEMORY OF MRS. RICHARD NIXON

Mr. GRAMM. Mr. President, the people of America and the world will always revere Pat Nixon, a First Lady whose incomparable grace, dignity, and courage, gently touched the lives of millions. She set extraordinary standards for herself and met them daily. Her legacy to us, I believe, is a continuing sense that achievements should be measured in the amount of good that a single, kindhearted person can accomplish on behalf of others. Mrs. Nixon's contribution to our country will never be forgotten.

RETIREMENT OF CHARLES "BONES" SEIVERS

Mr. SASSER. Mr. President, I rise today to pay tribute to my good friend, Charles "Bones" Seivers. Bones recently retired from his long and successful service as the city manager of Clinton, TN.

I attended a recent gathering of Bones' friends and associates held in Clinton on the occasion of his retirement. I would like to share with my colleagues the text of the comments I made there about Bones' fine career and my long relationship with him.

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

CHARLES "BONES" SEIVERS

The first thing that crossed my mind when I heard that Bones Seivers was retiring was, Bones don't do it. Clinton can't do without you. Anderson County can't do without you. Tennessee can't do without you. The Democratic Party can't do without you. I can't do without you.

However, after 30 years of exemplary service to Clinton, our State and our Nation, I can certainly understand Bones wanting to take a well deserved breather. I'm reminded of a story about President Calvin Coolidge when he retired.

Soon after he left the White House, the former President had to fill out a form confirming his membership at the National Press Club.

After writing his name and address, he moved on to the space marked "Occupation," in which he wrote "Retired."

Next came "Remarks." Coolidge paused for a moment and then wrote, "Glad of it."

I won't presume to say whether Bones is "glad" about retiring. However, it's always good to go out when you're still the best—and no doubt about it, Bones, you're still the best. Or as my old friend, Senator Russell Long of Louisiana would say, "It's better to retire when you still have some snap in your garters." Trust me, Bones, we're not going to ask you to prove that one.

However, Bones, I don't think we should celebrate your retirement. Instead, we should tear a handful of pages off the calendar and celebrate Thanksgiving a few months early.

We should give thanks for all that Bones Seivers has given to Clinton and to Tennessee. And what a celebration that would be. It would run from Thanksgiving to the Fourth of July. For 30 years, Bones has filled this community with plenty, and in the process, our hearts have been filled with admiration and respect for him.

And the wonderful thing about Bones' retirement is that he has made it absolutely impossible to forget him.

Wherever you turn in Clinton, and whatever you do, you're constantly reminded of Bones Seivers' lifetime of service to Clinton.

When your children go to school, the library or playground, you can thank Bones.

When you and your family go to the civic center, you can thank Bones.

When the police or fire department answer a call on your block, you can thank Bones.

When you drive down a newly paved road or look up at a street light, you can thank Bones.

When you hear visitors say, "I wish I lived in Clinton," you smile, and you can thank Bones.

I have known Bones for more years than either one of us cares to admit. And over the years, I've learned that if you're lucky, you'll live in a community that's run by a man like Bones Seivers. If you're very lucky, you'll work with a man like Bones. And if you're extremely lucky, you'll have a friend like Bones. I have never been fortunate enough to live in Clinton, but I have been doubly blessed to work with Bones and to count him among my closest friends.

I suppose Clinton's loss is Bettye's, David's and Deborah's gain. But don't get too comfortable, Bones. I've decided that like the National Football League, we're going to declare you a franchise player and Clinton's not going to let you go.

So, Bones, we tricked you. This is not a retirement party, but simply an opportunity for you to rest up for the next quarter. We promise not to bother you for a whole week, but after that, we're going call your number and send you back in the game. And like every time before, you're going to score a touchdown for us.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, July 20, the Federal debt stood at $4,335,488,071,744.30, meaning that on a per capita basis, every man, woman, and child in America owes $16,878.86 as his or her share of that debt.

LAW ENFORCEMENT OFFICERS PAY ULTIMATE PRICE

Mr. HATCH. Mr. President, I would like to take a moment to focus the Senate's attention on a true tragedy. I am saddened to inform the Senate of the deaths of three Customs officers and a Georgia Bureau of Investigation officer in the crash of a Customs Service helicopter late last week.

On July 14, Customs pilots Carl "Rick" Talafous, Alan J. Klump, Customs officer David DeLoach, and Georgia Bureau of Investigation Officer Lee DeLoach—no relation—were killed in the crash of their UH–60 Blackhawk helicopter. Their mission that day was to locate clandestine airstrips used by smugglers. Mr. President, I think that bears repeating in a somewhat different manner; their mission that day was to try to help this country secure its borders and wage war on the drug smuggler. Their mission that day was to help all children grow up in a drug free society and to make the world a better place.

Law enforcement officers DeLoach, Talafous, Klump, and DeLoach paid the ultimate price for protection of their country, their communities and their families. Nothing we can say or do will bring them back for their families, friends, and fellow officers. What we can do is pay them special tribute. Let us recognize that these men died as true heroes of our country.

PAT NIXON TRIBUTE

Mr. COHEN. Mr. President, in recent months, the role of the First Lady in our political system has undergone intense scrutiny, as Hillary Rodham Clinton seeks to establish her own definition of power and place. We should not be surprised, however, by Mrs. Clinton's transformation of the role of First Lady. She is clearly incorporating the evolving views of society about the roles of women into her duties at the White House.

It is a tragic irony, though, that as we observe Mrs. Clinton define her role, we must pause to mourn the loss of another First Lady.

Pat Nixon was an extremely private woman thrust into a public—often painfully public—light. It was not a light that she enjoyed, or even sought. In the countless commentaries and editorials on her passing, writers seem to struggle to summarize Pat Nixon in an adjective or two. Loyal is a regular choice; devoted, steadfast and supportive are other popular characterizations. She was all of those. But somehow, in the context of today's society, those descriptions may seem like shallow caricatures. I would suggest otherwise. They are qualities to be admired and respected, qualities that are often lacking in contemporary America.

During her days in the White House, Mrs. Nixon rode an unprecedented rollercoaster of scrutiny and emotion. She rose and fell alongside her husband, never wavering in the face of adversity. Even during the difficult last days of the Nixon Presidency, Pat Nixon maintained a public strength and resolve while the trappings of power crumbled around her. At the height of the Watergate scandal, in the words of one writer, "her chin seemed to rise, as if by sheer devotion and feminine fortitude she could restore the lost kingdom." The public arena was never, for her, a place to show emotion.

At her memorial service, the Reverend Billy Graham commented that "few women in public life have suffered as she has suffered and done it with such grace." Some have criticized her for being too detached, too unemotional about political issues, but we must be mindful that she was the product of a society that had not yet fully accepted political wives with their own careers or ideas.

The enduring public image of Pat Nixon will be one of undeviating loyalty to her often difficult duties. Her daughter, Julie Nixon Eisenhower, wrote in her 1976 book, "My mother gives meaning to the words in the 13th chapter of I Corinthians: 'Love bears all things, believes all things, hopes all things, endures all things.'"

"She is a woman of dignity who does not seek pity from others or feed on pity herself," her daughter continued. "But she has grieved, she has wept. She is a woman of tremendous self-control because all her life self-control has been necessary simply to survive."

The characteristics that Pat Nixon embodied—loyalty, devotion, humility, steadfastness in the face of adversity—are traits to take pride in. This body, and this Nation, mourns her passing.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, morning business is now closed.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The PRESIDING OFFICER. The Senate will now resume consideration of S. 919 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Domenici amendment No. 608, to ensure that the financial soundness of the Pell Grant Program is a higher priority than funding a new program.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD] is recognized.

Mr. WOFFORD. Mr. President, this amendment is not designed to expand college aid. It is meant to kill national service. As the Senator from Maryland a little while ago—who cannot be here—Senator MIKULSKI, because of a key Appropriations Committee that is requiring her attendance. So she spoke on this amendment a little while ago. She noted that we now have born again Pell grant supporters who were not there when some of us were fighting for the full funding of the Pell grants.

But most importantly, she pointed out to us what this process might start if we pass this amendment, the trigger amendment, that triggers one bill, one bill triggers another bill, one Senator's bill is aimed at the heart of another bill. And this trigger today is aimed at the heart of national service. But if we go down this road of triggering each bill on another bill, we will have something worse than gridlock, Mr. President. We will have bills and Senators shooting at each other across the aisles and within the aisles. It is the wrong road, and it is a road we should turn back on today in voting against the amendment by Senator DOMENICI.

The amendment is based on the false premise that refusing to fund a program under one subcommittee's jurisdiction will make funds available for another program in a different subcommittee. As Senator MIKULSKI, whose subcommittee has jurisdiction over national service, has said so vividly, last night and this morning, this amendment is like refusing to fund veterans' programs until we fully fund NIH. It is a dangerous, unworkable, absurd precedent.

The National and Community Service Trust Act of 1993 builds on the 1990 National and Community Service Act signed into law by President Bush, not the Higher Education Act of 1965. Although lifelong learning is clearly one of its goals, this is a service bill, not a higher education bill. Let us not mix apples and oranges.

National service does not compete with our other education programs. Unlike our student aid programs, national service is not meant to be strictly need based. It is a program that reaches out to all Americans. It gives an option for all students to use their skills, energy, and enthusiasm to help their communities. Though it provides an educational voucher, tuition assistance is not its heart and core, is not its prime purpose. The Pell grant is the foundation of our $12 billion Student Aid Program. It is our most powerful tool in opening the doors of higher education to all students.

In recent years some Members of this body have tried everything possible to

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increase funding for the Pell Grant Program. During the 1992 reauthorization of the Higher Education Act, there were efforts to make the Pell Program an entitlement program. Last year we also made several attempts to bring down the budget walls to transfer funds from defense to education. Each of these efforts was forcefully and successfully opposed by those who are not offering this very amendment.

President Clinton has also tried to address the problems of the Pell Grant Program. His economic stimulus package would have erased the shortfall in the Pell Grant Program that he inherited from the previous administration. But those who are offering this amendment shot down the original stimulus package. So where have they been? What are they saying to us today?

The amendment before us says that national service should not be funded until we increase support for campus-based aid programs including work-study, supplemental education, opportunity grants and the Federal Perkins loans. As a former college president, I know these programs are essential in providing colleges with the means of providing flexible student aid packages. And I understand that the Department of Education is working closely with the Appropriations Committee to restore funds for campus-based programs. I share that goal. I will support that. I will fight for that. And I hope we can count on the support of those who are sponsoring this amendment to do the same.

But one of the great strengths of our student aid system is that we have so many diverse yet complementary programs. These programs are all designed to increase opportunity. They enable people from different backgrounds and with different needs to receive the education that is so critical to success and work and in life.

National service complements these programs. It does not compete with them.

Mr. President, this amendment is not a constructive attempt to improve opportunity in America. As one who strongly supports both student aid and national service, I ask my colleagues to vote against this amendment and not aim a trigger at the heart and soul of national service.

I yield the floor to Senator WELLSTONE.

The PRESIDING OFFICER. There are 40 minutes of debate on the Domenici amendment.

Mr. KENNEDY. Mr. President, how much time does the Senator desire?

Mr. WELLSTONE. Five minutes.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized for 5 minutes.

Mr. WELLSTONE. Thank you, Mr. President. I will be brief.

I was able to follow some of the debate last night on the floor of the Domenici amendment. Besides wanting to make the obvious point that dealing with the Pell grant shortfall was part of the economic stimulus package—which a good many Senators, at least enough to prevent us from overcoming a filibuster, oppose, and I think it is important to get that out on the table—I just wanted to say to my colleagues that I too had a real concern, and have a real concern, about making sure that we continue with support on campus-based programs.

And there were a number of different programs that I was concerned about. As a former college teacher for over 20 years, I certainly do not want to see work study programs cut. I think they are extremely important. I certainly do not want to see a matching Federal grantor State program for low-income students cut. Those programs are important. I certainly think the Pell grant program is an extremely important program as well.

But, really, from talking with the administration, I think that many of us on Labor and Human Resources Committee, who are concerned about these programs, have received pretty strong assurance that we will see a restoration, going back to the 1993 levels. We have to do much better in the future. But as somebody who considered a similar triggering amendment, albeit not applied to the Pell grant shortfall, I feel quite confident on the basis of conversation with the administration that we are going to have a commitment to restoring that funding, in which case I felt there was no need, and still feel there is no need for such an amendment.

I think given that kind of strong commitment from the administration, we are not going to see this kind of tradeoff, that they are committed to making sure we restore that funding on the work-study programs. Such an amendment only ends up being, if you will, I think an unnecessary embarrassment of an administration that should not be embarrassed, given the fact that it has a very important initiative for this country, that I think, as the Senator from Pennsylvania said, really captured the imagination of many people in the Nation.

It starts out as a kind of model basis, and we build on it. In addition, I have to say—and the Senator from Pennsylvania knows this—from the wording, I have been concerned that those other programs do not get cut and even if people did not intend this to be the effect of it, I have been in some intense negotiations with the administration and feel like they have made the commitment on work study and campus-based programs, on restoring that, dealing with the Pell grant shortfall, in which case I think the amendment is unnecessary, and I hope my colleagues will vote against it.

I yield the floor.

Mr. DURENBERGER. I wonder if my colleague would yield me 5 minutes.

Mr. WOFFORD. Mr. President, I yield 5 minutes to the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, this is a very difficult amendment. I think everyone acknowledges that. Nobody likes to be faced with the kinds of alternatives that our colleague from New Mexico is facing us with, because, as my colleague from Minnesota and my colleague from Pennsylvania and the chairman of the committee would indicate, we have done our best at the authorizing level to do full funding of Pell grants, work study, and the guaranteed student loan program, and everything else, as part of the appropriations process and budget process that keeps defeating it.

As my colleague pointed out, right or wrong, there was an opportunity to add money at one point, which did not come to fruition. We have to trust the process to deal with that problem. I must say that, as a Republican member of that committee, it is frustrating to authorize and make commitments for access to higher education, financing access to higher education, particularly for those in middle America and lower income America, and then not have the rest of this process follow through on that commitment.

Last year, I think we reauthorized the Pell grant program, and right now the authorization for the Pell grant is twice as high as the actual amount of money going out in specific grants. So we have college presidents and young people all over America, as my colleague from Minnesota pointed out, who are very frustrated about the reliability of this system to produce on its promises to guarantee equality of access to higher education.

I also understand the deep concern that people have about stipended service. I think the concern a lot of people in America have—and I will speak for folks on this side of the aisle—for the stipended service part of the national service program, is that it looks like our President is trying to add to the current access to higher education financing program several new programs, direct lending program, as in the conference right now. Now we have the stipended service program, and we are not even funding existing programs adequately.

So there is a great deal of concern in this country, in the higher education community, and on the floor of the Senate, which leads one to develop a great deal of sympathy for the amendment that is before us today.

I do not believe that this amendment is necessarily a trigger aiming at the heart of national service. I think the heart of national service is in everything else in this program. It is in the community-based programs, the kids from Pennsylvania and Minnesota, in

the service learning programs, and it is in developing young people's leadership, and incidental to that, of course, is the opportunity for stipended services through this unique new program.

So I am going to oppose my colleague, even though it is difficult to explain, and it is certainly a difficult one to do. I am going to oppose it simply because I want to see the real national and community side of this bill passed. I want to see it adequately funded. I say to my colleagues—and particularly my Republican colleagues, who have been concentrating on the sort of entitlement aspects of this program—and particularly those who have been taking the President at his word, and that is he wants to open up this whole new approach of higher education at $5,000 a stipended crack per year, which used to be $10,000. There is a concern on this side of the aisle that we are opening up a new entitlement program.

Mr. President, I am going to offer, as quickly as I can, an amendment which we have been discussing with the sponsor of the bill and with the chairman of the committee and with the administration, which I was prepared last night to deal with, and I will be prepared as soon as possible to deal with, which changes this from a 5-year authorizing program to a 3-year authorizing program, and which has in it a series of studies that will appropriately deal with some of the issues and, hopefully, if we can reach the agreement, to have some dollar limitation to the amount of the expenditure, which I think will deal not only with people's concern about total dollars, which is a real concern, but about whether or not this stipended service program is going to be a substitute for Pell grants, or a substitute for work study, or a substitute for direct lending, or something else, which is a deep concern that I believe needs to be dealt with in connection with this bill, or we will not be able to guarantee the commitment to national and community service that my colleagues of the floor—and I trust the President—would like to develop.

I yield the floor.

Mr. WOFFORD. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes, 12 seconds remaining.

Mr. WOFFORD. I ask unanimous consent that the time be charged against the other side, because Senator KENNEDY would like to finish the end of the debate, and we have heard nothing form the other side.

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

Mr. WELLSTONE. Mr. President, may I have 30 seconds?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. WOFFORD. I yield 30 seconds to the Senator.

Mr. WELLSTONE. I want to briefly respond to the Senator from Minnesota [Mr. DURENBERGER].

Mr. President, I think this whole question of the work study programs on campus is extremely important. I agree with the Senator, but I would like to repeat that, once upon a time, I considered such an amendment, but I really believe that anybody who wants to talk to the administration will find out they are making a commitment now to make sure that at least we stay at the 1993 levels.

I think we will do better in the future. Clearly, on the basis of my negotiations, that commitment has been made, and I think that is extremely important for people in the higher ed community, and for that matter, people in the country to know. For the future, I hope there is much more of a commitment of resources across the board.

The PRESIDING OFFICER. The time is now being charged, under the previous order.

Is the Senator from New Mexico seeking time?

Mr. DOMENICI. Mr. President, I believe my amendment is pending, and we have 20 minutes on a side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I do not know that I need all of my time. I spoke most of my case last night, but I will review it. In the meantime, I will comment on a few statements that have been made about the amendment, and in some cases about me and what I intended here.

Let me say for starters, Mr. President, that this amendment has nothing to do with whether I trust the Subcommittee of Appropriations or the chairman and ranking member of an Appropriations Subcommittee. Frankly, I think I know my motives, and there is no motive here to degrade the work of the appropriators or of any specific committee.

I understand that perhaps Senator MIKULSKI has indicated that this might be what I am up to here. Not at all. I do not know how else to establish the policy.

Policies should apply to everything, whether it is appropriations or entitlements. And the policy I seek to establish in this amendment is very, very simple. We have Pell grants, work study programs, and the like, already being funded. They are tried and true educational subsidies, and assistance, and loans, and the like, for our young people in need. They are principally means tested.

They do a huge amount of good. They cover millions of students. We are kind of ratcheting down the Pell grants.

A number of educators have raised the issue of whether we ought to be more careful about starting a new program that is partially education at our college level; the 2-year vouchers for this national community service program are to educate young people who will then commit to doing service in their communities.

A number of educators have said, "What is going to happen to the Pell grants, the work/study program, and the like?"

I am fully aware that this is an appropriated account, that all of them are. In fact, I will offer later today, an amendment to make sure this is not an entitlement program, that the bill before us does not create an entitlement.

I am fully aware that all this is technical, that the funding for this goes before a different subcommittee of the U.S. Senate and House than the funding for the Pell grants. But I do not have any other way to attempt to have the Senate vote on whether or not they want to maintain, as a matter of policy, Pell grants and work-study programs at the level of last year's funding and make up for any deficiencies because we overspent in a program and we are still working on trying to pick that up.

I am suggesting that we not fund the new program unless and until we have funded Pell grants, work/study programs, and the campus-based programs at their 1993 levels addressed the shortfall in the Pell grants.

Frankly, it is not an amendment aimed at subcommittees of the U.S. Senate. Frankly, it is aimed at a very expensive new program versus a very reasonably priced program helping the poor who want to go to college, I, for one, want to make sure that the programs that are working well that are directed at the needy that want to go to college and need help—just as an example, there are 26,000 Pell grantees in my little State. I am seeing the occupant of the chair and just kind of guessing on a State population. There are probably somewhere between 50,000 and 75,000 in the State of Colorado. Frankly, if I understand this program correctly, the $389 million that is sought in the first year rounded to $400 million will only take care of 25,000 students from the whole country.

So it seems to me that this is a simple, forthright policy. Does the U.S. Senate want to express itself on a brandnew program that eventually is going to cost $10.8 billion over 5 years—and the only thing I can base that on is what the President asked for—and that only takes care of about 150,000 a year by way of new participants in this national corps, as I understand it? So, nothing is intended beyond that.

Some will now say this is not an education program and why should we tie the two together. Well, the carrot in this program is financial assistance for education. Hence, the programs are similar. But I will acknowledge that much more of the money is spent fulfilling on what comes after the carrot. The carrot is, "Sign up while you are in school and we will defer part or voucher in part of your expenses."

Then the big expenses come during the 2 years that you fulfill the responsibility, such that this program is perhaps as much as $17,000 per student—or American—that goes to college and does a year, $17,000 a year. Frankly, I personally, as one Senator, believe that will end up being higher. I will use the OMB numbers since they have attempted to evaluate it.

The House Appropriations Committee, just so we will understand, has already had to reduce the maximum Pell grant by $50 from $2,300 to $2,250. I understand that the administration does not favor that. I hope they are willing to try to do something about that. That would send a signal that they are for the same kind of policy that this amendment would put us on. This amendment would put us on, as a matter of policy, not just as a matter of what the President wants, but, rather, what the country would say: "Fully fund Pell grants and work/study before you start paying for this program."

Now, without my amendment, we will continue to draw funds from programs such as the Pell Grant Program to fund new initiatives. I do not know that it will always be 1 for 1, but when you end up with a program as large as this, $10.8 billion over 5 years, clearly you have got to underfund something or you have got to decide that you can just spend without restraint.

So I choose to establish just a bit of policy here. It has nothing whatsoever to do with whether I think this is a good program, whether on a scale of 1 to 10 with 1 being the best whether I think it is 1 or 10. Obviously, it has got some good qualities to it. It is very expensive and much more expensive than Pell grants and student work/study programs.

So at this point I will yield the floor and reserve the remainder of my time.

I am pleased to yield 3 minutes at this point to Senator EXON, who wants to speak in support of the amendment.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I thank my colleague who offered the amendment, and I thank the Chair.

Mr. President, the measure before us is a very interesting amendment. It is an amendment that, in my view, the Senate should give a great deal of attention to. I believe that the concept behind the amendment, education and volunteer service combined, is a new play on a very old concept that I think has proven itself well over the years.

If you will take a look at the record of this Senator's vote on matters of education and voluntarism over the years, I think you will find nearly 100 percent support for things in this particular area.

I rise in support of the amendment offered by the Senator from New Mexico only because I have a strongly held view that whatever the merits of this program—and there are many—I think this is not the time for a new program when we are under a severe budget crunch, when we are right in the middle of very difficult negotiations with the House of Representatives on the budget reconciliation bill, attempting to do something at long last on the skyrocketing deficits and ballooning national debt that faces this country in the future and perhaps the future of this country as it affects those who would most benefit from this particular program if it is enacted into law.

I simply would like to make it clear, Mr. President, that while I think there are many worthy goals to this proposition, I know it is supported and is an important policy position for the President of the United States. I know many close friends of mine are actively supporting this. I am sure there are the votes to pass this on a bipartisan basis on both sides of the aisle. However, I hope that the Senate will give pause for consideration of some of the concepts and ideas and suggestions and arguments put forth by Senator DOMENICI and others.

I will not be supporting this measure, because at this particular juncture I do not believe we have the funds to make this program work, and starting a new project when we do not have other worthy projects, including the Pell grants, fully funded seems to me to be a step in the wrong direction rather than the right direction. Therefore, I will support the Domenici amendment, and in the end I will be voting against this measure for the reasons that I have stated.

I thank my friend from New Mexico and yield back any time that may remain on that yielded to me.

Mr. DOMENICI. Mr. President, how much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. DOMENICI. I yield 4 minutes to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from New Mexico yielding time to me for a few minutes.

I strongly support his trigger amendment.

He has also spoken quite eloquently to the cost of this program. It is one issue that we have tried to address here. It is not to say the program does not have importance, but that it could and should be shaped differently.

The argument has already been made that this amendment is not going to kill the education benefits in the bill, although it may well delay them for a time. It would delay them for what I think is a very important reason.

This debate should not be a fight between funding for Pell grants and campus-based education assistance, which comes through the Labor-Health and Human Services, and Education Subcommittee of Appropriations and the National Service Program, which comes through the HUD and Independent Agencies Subcommittee of Appropriations, because we are all engaged in addressing the discretionary funds that are handled through appropriations.

I agree with the arguments that Senator DOMENICI has made that it is very important that we honor commitments to the Pell grant program, which has proven to be successful in lending low-income people assistance with higher education. This commitment has been expressed over the years in terms of support for the Pell Grant Program, Perkins loans, SEOG, SSIG, and the college work-study programs. These are all very important programs. These programs have not been funded at the levels we would like to see in order to meet the needs of those who are eligible, Mr. President, and I think that does come first.

The amendment does not take away from the initiatives of the National Service and Community Service Trust Fund Act, but it is just making sure that our priorities are kept in place.

I strongly urge my colleagues to support the amendment of the Senator from New Mexico.

Thank you, Mr. President. I yield back my time.

I yield 2 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. SIMON. Mr. President, my friend from New Mexico is a constructive Member of this body. I have worked with him on mental health issues. Once in a while he, and I have to add the Senator from Illinois, are not immune to doing things on a political basis.

And the Pell Grant Program, I am all for it. I fought for it. I wanted to make it an entitlement program. I would love to have the Senator from New Mexico join me on that, and on the other programs.

The State student incentive grant programs [SSIG], the Republican administrations every year, from 1983 to 1992, asked for zeroing out that program. The SEOG, the supplemental educational opportunity grant, every year from 1983 to 1991, the Republican administration said: Let us spend nothing on that. The Perkins loans, they asked for zero funding for 4 years, and then in every other year but one, they got generous and they said, "We will only cut it 90 percent." My, what a generous move on their part.

Work-study, zero funding in 2 years; in other years, they wanted to slash it.

I welcome the conversion to these programs on the part of some of my colleagues. I think they are important. But what this amendment is attempting to do, frankly, is not to help those

programs, which go to two different subcommittees in the Appropriations Committee, but to kill this bill. I think that is the reality.

We have to face that reality. I hope the Senate will face it in a proper way, and defeat the amendment of my friend from New Mexico.

Mr. WOFFORD. I yield 2 minutes to the Senator from Rhode Island [Mr. PELL].

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, as strong an advocate as I am of increased funding for our Federal student aid programs, I am compelled to oppose this amendment.

In linking national service to student aid, a trigger gives the impression that national service is a student aid program. It is not. It is a service program that has attached to it an educational benefit. The emphasis is on the service.

National service and student aid should stand alone, as two separate but highly laudable programs. If the idea is to protect student aid, that is not necessary. We cannot forget that it was the Clinton administration that sought some $2 billion in the economic stimulus package to completely erase the shortfall in the Pell Grant Program.

Further, the funds contained in the appropriations bill approved by the House for fiscal 1994 will, according to the most recent Department of Education estimates, fund a $2,300 maximum grant without any minimum student contribution provision. That is good news, indeed, and makes a trigger unnecessary.

Had we followed the administration's lead from the outset, this program would once again be on sound footing, and we would be in the midst of strengthening it. And had we followed the administration's lead, this debate over a trigger would be truly meaningless for the problem would not exist.

With respect to the campus-based aid programs, my understanding is that the administration is working with the respective appropriations committees to restore cuts that had been proposed in those programs. This, too, obviates the need for a trigger.

Mr. President, as my colleagues know, I am a longtime advocate of strong, well-funded Federal student aid programs, for Pell grants to campus-based aid. I am also a long-time advocate not only of national service but also of providing an educational benefit for the successful completion of that service. The two, to my mind are not Siamese twins. They are not tied together. They should each stand on their own. For these reasons, I must oppose this amendment and urge my colleagues to do likewise.

Mr. WOFFORD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes and 3 seconds.

Mr. KENNEDY. How much time remains on the other side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has 5 minutes and 34 seconds.

Mr. DOMENICI. I yield myself 2 minutes and 34 seconds.

I wonder if the Senator from Kansas will kind of set the record straight for us. Does the Senator know what President Clinton has asked for by way of funding in the programs that the Senator from Illinois just spoke about?

Mrs. KASSEBAUM. Mr. President, I would just like to set the record straight. It is not just Republicans that have been recommending some of the cuts in educational programs.

When President Clinton sent forward his 1994 budget, he recommended zeroing out the State student incentive grants, the SSIG. Since then, the administration has indicated a desire to come in at 1993 levels.

However, the original administration budget proposal did call for a total reduction in the supplemental education opportunity grants, college work-study, SSIG, and Perkins loans of $265 million.

So I think it is important to set the record straight. As I said, the administration has since indicated they would like to restore the levels to the 1993 level. But I think it is important to have the original request on the record.

Mr. DOMENICI. I thank the Senator. I appreciate her support for my amendment and her good common sense on the overall issue before the Senate.

Mr. President, let me just put in the RECORD a couple of facts on setting the record straight, also.

Since 1989, Pell grants have gone up 48 percent. I think that is a pretty good record for the last 4 years.

I do not mean to imply that past Presidents always supported those measures, but increased funding for this program is just an indication of what the U.S. Senate thinks of it.

I do not think there has been a full-blown effort on the part of Republicans to dramatically reduce that, but I could be wrong on that.

I close with a couple of other thoughts. First, I want everybody to know that I am not against——

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

Mr. DOMENICI. I ask for an additional minute.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. DOMENICI. I thank the Chair.

I am thoroughly in favor of our young people volunteering and getting involved in what is going on in our country, whether it be in our disadvantaged areas, in our schools, in our churches, or wherever.

In fact, without this program, I can personally say that I am familiar with hundreds of young people who are involved in voluntarism and there is no program like this. They are paid nothing. They do incredible jobs. Some work full time in the summers; some work part time.

As a matter of fact, it is estimated that there are about 40 million people in this country, many of them being in the age bracket covered by this bill, who are volunteering part time or full time in this country.

It is a grand concept. It is an American concept. We are changing the concept here to paying people for it and paying part of their college tuition. I merely raise this point; which should we be more concerned about, the Pell grants or the new programs?

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I have 3 minutes, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself 2½ minutes.

The PRESIDING OFFICER. The Senator is recognized for 2½ minutes.

Mr. KENNEDY. Mr. President, the idea of service in America is as old as the country itself. We have a GI bill. All of those who served in the Armed Forces received the benefits of education. Those who served received educational benefits. We had a cold war GI bill. Again, they received educational benefits.

There are those who think service is only in the military. Some of us however believe that service can also be to the community. That is what we are talking about. We are asking people to serve full time.

Mr. President, 90 million Americans volunteer 2 hours a week or more. They are not involved in this program. You are going to have millions of Americans in schools from K through 12. They will not receive the educational benefit. You are talking about full-time individuals who receive a minimum wage and then try to improve themselves. How? Through education. That is what this bill will do.

Second, all of us who have spoken in favor of this measure fought for the stimulus program that would have eliminated the Pell shortfall, they supported the supplemental appropriations which would have relieved it. We are all for relieving it and we will work with our Republican colleagues to do so. And we stand for funding a $2,300 maximum grant for the Pell grants. That can be done, and is being done. And the work/study programs, or college-based programs are, for the most part, being restored.

So I do not have any argument with my friend from New Mexico on the issues of policy and allocations of resources for Pell grants and for study. Nor will those who support this particular measure. But the facts remain that the figure of $10.8 billion is a complete distortion of where we are. The President initially asked that, but as

the chairman understands, we are asking in here $389 million, and then such sums as we might need in the future based upon the performance of this program.

The Congressional Budget Office, which is recognized as bipartisan, and which officially estimates the costs for Congress, has estimated the spending will be, for national community service, $2 billion over 5 years. We are prepared to take Senator DURENBERGER's amendment, which is a 3-year authorization. This would reduce the spending on the program under CBO to $1.1 billion over a 3-year period.

Effectively, under the Budget Act there will be a prioritizing of various public policy with the discretionary spending caps imposed under the 1990 Budget Enforcement Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 10 seconds.

Mr. DOMENICI. Mr. President, there was reference to how much this program will cost. Let me suggest what the Congressional Budget Office has done is they have taken the first-year funding of $289 million and assumed it would not increase. If you want to buy that number, why do you not change this from such funds as are necessary to $289 million a year for the next 5 years? Then you will have what the Congressional Budget Office is saying this program will cost.

I think we may have a chance to vote on that later today or tomorrow.

Having said that, let me make one comment about this proposition before us. Again, I stress there are good concepts in this bill. The question that the Domenici-Kassebaum amendment raises is very simple. Do we want to establish an American policy that says Pell grants, fully funded, first; a new program that could cost $10.8 billion over 5 years, second?

That is the policy. If you want to vote against that, then obviously you can say I trust the Congress to take care of Pell grants; I trust Presidents to take care of Pell grants; I trust subcommittees to take care of Pell grants. And there are no personal aspersions on subcommittees.

The fact of the matter is the pressure is enormous. If you put a new program in of this size you change something dramatic. And I just want to establish as a matter of policy it is not the Pell grants and other student programs like work-study that are going to be cut.

Mr. KENNEDY. Will the Senator yield for a question? Would the Senator want to put in legislation that makes Pell grants an entitlement? Because I would cosponsor that.

Mr. DOMENICI. Not only will I not do that, but I will put an amendment in on this bill to make sure it is not an entitlement.

Mr. KENNEDY. I was just interested in the Senator's position on that.

The PRESIDING OFFICER. The time of the Senator has expired.

The Republican leader is recognized.

Mr. DOLE. Mr. President, I understand all time has expired on the amendment, is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 20 seconds remaining.

Mr. DOLE. Mr. President, I want to use my leader time on two other issues if there is no objection.

The PRESIDING OFFICER. The Senator has that right. Leader time has been reserved.

THE WHITE HOUSE SPIN MACHINE

Mr. DOLE. Mr. President, the White House spin machine is moving into high gear. It's no big surprise. As long as President Clinton continues to demand the biggest tax increase in history, the administration will try to use every public relations gimmick available to try to convince the American people that huge tax increases are warranted. Already, we are beginning to see supporters of the President's economic plan recycle what they were told in the White House's advocacy manifesto entitled "Hallelujah! Change Is Coming."

It is a nice little five-page document followed by a six-page document, and tells you how to use body language and how to avoid questions on specifics. It is very enlightening. I know many American people would like to have a copy of it so they can answer the questions when the bills come in, on how to use body language and do not answer any questions.

But, do not be fooled by the rhetoric. No White House factsheet or propaganda piece can change the fact that a world record tax increase is the centerpiece of President Clinton's plan to reduce the deficit.

THE SPIN VERSUS THE FACTS

On Tuesday night, in an appearance on "Larry King Live," President Clinton said:

> We found that the American people knew the most on February 17th, the night I announced the plan and went through it point by point, and since then * * * I have lost the ability to make sure everybody knows the things I want them to know.

Understand, "I want them to know." They sure have lost that ability. The American people said, I want to find out what I want to know. I do not care what the Republicans want to know or Democrats want to know or President Clinton wants to know. I want to know what is in that plan. And I am here to make certain people hear the things they need to hear to make a judgment, and a lot of people have because the support for that plan was around 78 percent in February; it has dropped to 30-some percent now.

So the American people are getting the facts. They know it is a big, big, tax bill.

On February 17, the American people heard the President give a great speech about the deficit. But, they did not get all the facts about the Clinton economic plan. All the polling information I have seen says one thing: The more people learn about the Clinton economic plan the less they like it. The fact is the President's plan fails to measure up to his rhetoric.

For example, President Clinton said in his speech, "We are eliminating programs that are no longer needed." But as Robert Samuelson pointed out in yesterday's Washington Post, the President and the Democrats in Congress have failed to deliver. "Not one major Federal program was ended; even the honey subsidy survived."

TAXES AND SPENDING CUTS

This week, the President repeated his claim that his plan contained "as many spending cuts or more than tax increases." It appears the President has gotten some bad information from his staff or whoever they are. They need to sit down and read the bills that were passed by Democrats in the House and Senate.

The White House spin doctors want the American people and the Democrats in Congress to believe that $44 billion in cuts approved by Congress and President Bush in the 1990 budget agreement, roughly $60 billion in net interest savings and another $15 billion in user fees, are tough, new spending cuts. They are not. In reality, we are talking about two bills that raise more than $2 in taxes and fees for every $1 of spending cuts. Another fact President Clinton may not want you to know is that both the House- and Senate-passed bills are really tax-now, cut-spending-later plans that delay the vast majority of the spending cuts—almost 80 percent—until after the 1996 elections. You wonder who figured that out? Somebody probably will get an award if it works.

Taxes start immediately, in fact some of the taxes started in January of this year. Six months ago the taxes started. It seems to me there are a lot of things about this bill the American people want to find out.

CHANGING DEFICIT ESTIMATES

On Tuesday night, Larry King asked President Clinton why he decided to break his campaign promise to give the middle class a tax cut. The President responded;

> When I became President * * * the deficit had been revised upward since the election quite a bit, over $125, $130 billion.

Remember, these higher-than-expected deficits were the sole reason President Clinton gave for abandoning his campaign promises to cut the deficit in half in 4 years, support $3 in

spending cuts for every $1 of tax increases, or provide the middle class with a tax cut.

What the President neglected to mention was that his Budget Director, Leon Panetta, now admits that the administration's current deficit estimates show that over the next 5 years the accumulated deficit will be $64 billion lower than they thought it would be back in February.

I can understand why the White House wants to sweep these lower deficit figures under the rug. This new information blows their cover for the biggest tax increase ever.

They can eliminate a lot of these tax increases. They found $64 billion, whatever the figure is. It seems to me it takes some of the pressure off. I just hope that we can get to the facts.

Last week, the President urged Congress to base this deficit reduction package on "hard numbers and good figures." One way to do just that is to provide Congress with a complete set of the administration's most current estimates about the health of the economy and the budget situation as required by law. The administration should submit a full midsession review of the budget to Congress before we are asked to vote on the largest tax increase in history.

THE MAGIC TRUST FUND

Last night, the President said that all the money from his big, big tax increase "goes into a trust fund for 5 years to pay down the deficit."

I guess they have some big barrel someplace that they are going to keep this money in, and they are going to pay down the deficit. It does not work that way. This is what he said. He said all the money from his big tax increase "goes into a trust fund over 5 years to pay down the deficit."

Let us face it, no matter what you call this gimmick, moving tax dollars from one Government account to another is not going to reduce the deficit one dime.

The President should listen to Robert Reischauer, the Director of the Congressional Budget Office [CBO], on this one. In February, the President made CBO the official budget scorekeeper for the Federal Government. Well, in May, Director Reischauer testified before Congress that this trust fund was a gimmick that "could not ensure any deficit outcome."

TAX-AND-SPEND WILL NOT WORK

President Clinton admits that this record-breaking tax increase will not solve the deficit problem. Even if all the promised future cuts occur, the charts he trotted out again on Tuesday night clearly show that the deficit will start moving up again after 1997. Do not forget, the Republican alternative that Vice President GORE took time to criticize on Wednesday, continued to cut the deficit each and every year.

Here is the bottom line—the Clinton economic plan fails to get the deficit under control because it fails to control the runaway growth of entitlement spending.

This is no bold, new plan for America. It is more of the same old tax-and-spend recipe Democrats have been using for years.

OUR COMMITMENT TO DEFICIT REDUCTION

Those of us who oppose the Clinton plan are not suggesting that we do not need to reduce the deficit. I have been a strong advocate of deficit reduction for years, and I have the record to prove it. But, that does not mean we need a record tax increase to get the job done.

The only way the President can prove that he is a new Democrat who is serious about cutting the deficit is to step up to the plate and cut spending first.

Republicans are fundamentally opposed to the Clinton tax-and-spend plan for three simple reasons:

No. 1, the largest tax increase in the history of the world will not stimulate the economy. It will destroy hundreds of thousands, perhaps even millions, of jobs.

No. 2, a tax-now, cut-spending-later approach to deficit reduction sends the wrong signal to the American people. We do not believe that Congress will keep its promise to cut spending down the road. That is why we support a cut-spending-first approach to deficit reduction.

And, No. 3, even if all these promised future spending cuts occur, the Clinton plan fails to solve the deficit plan in the long run. What do the American taxpayers get in exchange for the largest tax increase in history? A deficit that starts moving up again after 1997.

CONCLUSION

These are some of the facts that the White House may not want the American people or my colleagues on the other side of the aisle to know. But, these are the facts. Important facts that everyone should understand before we vote on the biggest tax increase the American people have ever seen.

So, Mr. President, the tax-and-spend, or tax and pretend, tax and tax, and spend and spend—and we have a good example of a spending bill on the floor right now. We have not even passed the tax bill and we are already spending about $10 billion we do not have. I think this is a good example, this is exhibit A of this tax-and-spend program at work in the Senate right now—right now. We have a bill, we do not know how we are going to pay for, billions and billions of dollars. It seems to me we have to tax somebody to pay for this program. It adds up to tax-and-spend.

SALUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, on behalf of Senator ROTH, Senator HUTCHISON, and myself, I want to thank all those who have extended us birthday greetings today.

I also rise to say that all of us consider ourselves very fortunate to share our birthday with one of the most remarkable women of this century—the mother of the senior Senator from Massachusetts, Mrs. Rose Kennedy, who is 103 years old today.

Since her days as a child, when she accompanied her father, the mayor of Boston, to meetings with Presidents Cleveland and McKinley, Rose Kennedy has both lived and made the history of our times.

Last year, Senator KENNEDY said on this floor that his mother has been an inspiration to her family all her life. I know that is true, but I also know that the Senator was being modest.

For the fact is that Rose Kennedy's courage, grace, and grit, have inspired not just her family, but an entire country, as well.

Mr. President, I reserve the remainder of my leader's time.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. PELL. Mr. President, as strong an advocate as I am of increased funding for our Federal student aid programs, I am compelled to oppose this amendment.

In linking national service to student aid, a trigger gives the impression that national service is a student aid program. It is not. It is a service program that has attached to it an educational benefit. The emphasis is on the service.

National service and student aid should stand alone, as two separate but highly laudable programs. If the idea is to protect student aid, that is not necessary. We cannot forget that it was the Clinton administration that sought some $2 billion in the economic stimulus package to completely erase the shortfall in the Pell Grant Program.

Further, the funds contained in the appropriations bill approved by the House for fiscal 1994 will, according to the most recent Department of Education estimates, fund a $2,300 maximum grant without any minimum student contribution provision. This is good news, indeed, and makes a trigger unnecessary.

Had we followed the administration's lead from the outset, the Pell Grant Program would once again be on sound footing, and we would be in the midst of strengthening it. And, had we followed the administration's lead, this debate over a trigger would be truly meaningless for the problem would not exist.

With respect to the campus-based aid programs, my understanding is that the administration is working with the respective appropriations committees

to restore cuts that had been proposed in those programs. This, too, obviates the need for a trigger.

Mr. President, as my colleagues know, I am a longtime advocate of strong, well-funded Federal student aid programs, from Pell grants to campus-based aid. I am also a longtime advocate not only of national service but also of providing an educational benefit for the successful completion of that service. The two, to my mind, are not Siamese twins and should not be tied together. They should each stand on their own. For these reasons, I must oppose this amendment and urge my colleagues to do likewise.

Ms. MIKULSKI. Mr. President, this trigger amendment would prohibit any funds from being spent on national service until certain education programs, for example, Pell grants, reach a certain level of funding. This amendment would make the spending of service funds, national service funds, in my subcommittee, Veterans, HUD, and Independent Agencies, contingent upon the action of the Labor, HHS Subcommittee.

Mr. President, I strongly oppose this amendment.

This is not some fussbudgeting over committee jurisdiction or some arcane debate on an obscure rule about the Senate's procedures. This goes to the heart and soul of national service, and it goes to the heart and soul of recognizing the separate jurisdictional powers of subcommittees on appropriations.

Let me be clear, Mr. President. I absolutely support the full funding of all higher education programs, Pell grants, work study programs, and any other program that gives self-help to those young people in America who say yes to school and no to a life of drugs, crime, or being a laggard in our society.

But this amendment is based upon a false premise. They say that national service funds are competing with education funds. That is not the case. National service funding will come out of my subcommittee, VA, HUD, and Independent Agencies. This is an independent agency. It is not under the Department of Education. It is an independent, freestanding commission that will function like the Corporation for Public Broadcasting, giving grants, and so on, to States to do national service and these vouchers for the national service program.

The deduction programs come out of Senator HARKIN's committee, Labor, HHS. National service was given to the Appropriations Subcommittee on Independent Agencies exactly because we did not want it to compete with education programs for funding. That is why it was done. As an independent agency, it was not meant to compete. And as you know, there is a wall between the subcommittees.

Now, Mr. President, this national service legislation is the expansion of the program that we passed in 1990. In 1990, we created a Commission on National Service. I have been in charge of funding it now for 3 fiscal years. We wanted to do a reasonable, rational, fiscally responsible, incremental approach to the funding: fiscal 1991, $57 million; fiscal 1992, $75 million; fiscal 1993, $75 million.

In all of those years, not one objection was raised that somehow or another the Commission on National Service was raiding the educational programs. If those educational programs were ever raided, they were raided during the Reagan-Bush years. And now, on the other side of the aisle, we have these born-again Pell grant supporters who currently embrace with passion their support for the Pell grants. Where were they in 1981, 1982, 1983, and through the rest of the decade?

I welcome the born-again Pell granters, and I hope they are equally as aggressive in Senator HARKIN's committee. But, Mr. President, this sets a dangerous precedent. Should we start funding this way, we could say any program should not be funded until something else is fully funded.

For example, I chair VA. I am passionate that veterans research be funded because it is clinical practice, hands on, which results in many surgical and other clinical breakthroughs. Suppose I offered an amendment that said no funding for NIH research unless VA research is fully funded. Well, that would not be right. Suppose I would say no funding for waste water treatment projects in New Mexico unless the needs of the homeless were fully funded. Should we then say no funding for the Environmental Protection Agency unless full funding is met in the WIC Program?

It goes on and on. This sets a dangerous precedent. I know that other people, like Senator BYRD, the chairman of the Appropriations Committee, will argue this.

Mr. President, I think this is a slap at my stewardship of the Appropriations subcommittee. This essentially says: Senator MIKULSKI, we do not have confidence in you. We do not think you are going to be able to handle this legislation. This essentially says: We are worried about the deficit; we are worried that you are going to do runaway spending.

Mr. President, we have been very prudent in the way we funded the existing Commission. We have been very prudent, and we will continue to be prudent. We will not rob other social programs like HUD, like VA, in my subcommittee. But let me tell you something. If it is the will of the Senate to pass this very bad precedent, I will then offer an amendment to take the jurisdiction out of my subcommittee and put it with Labor, HHS, and then they can really compete for funding.

But do you know what disturbs me? It is not about precedent. It is about the lack of grandeur in the debate on national service. We are creating another rung on the opportunity structure for the United States of America where young men and women, through their own sweat equity, can get out and work in their own communities, helping neighbor help neighbor, and at the same time be able to help themselves by earning an educational voucher which could be used for their student education.

We have turned the debate on national service from a grand debate on how to deal with our social deficit into a fussbudget, narrow-minded, penny-pinching debate on our fiscal budget. I think we need to get back to talking about what our social deficit is. I think we need to restore to the debate in the Senate a sense of purpose of where we are going, tied with fiscal prudence, but meeting national goals of cleaning up our environment, dealing with the issues of illiteracy, and many others.

Mr. President, I know many others are waiting. I believe that summarizes my argument, and I thank the Senate and the Chair for listening with such courtesy.

I yield the floor.

Mr. WOFFORD. Mr. President, in the absence of Rose Kennedy's son, I will conclude the debate by saying that this trigger amendment is aimed at the heart of the National Service Program. It may kill the National Service Program, but it will not add any funds. It will do nothing for student aid.

I ask my colleagues to vote against this amendment.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table amendment No. 608.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG], is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—55

Akaka	Boren	Bryan
Baucus	Boxer	Bumpers
Biden	Bradley	Byrd
Bingaman	Breaux	Conrad

Daschle	Johnston	Nunn
DeConcini	Kennedy	Pell
Dodd	Kerry	Pryor
Dorgan	Kohl	Reid
Durenberger	Lautenberg	Riegle
Feingold	Leahy	Robb
Feinstein	Levin	Rockefeller
Ford	Lieberman	Sarbanes
Glenn	Mathews	Sasser
Graham	Metzenbaum	Shelby
Harkin	Mikulski	Simon
Hatfield	Mitchell	Wellstone
Heflin	Moseley-Braun	Wofford
Inouye	Moynihan	
Jeffords	Murray	

NAYS—44

Bennett	Faircloth	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Campbell	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Helms	Roth
Cochran	Hollings	Simpson
Cohen	Hutchison	Smith
Coverdell	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Danforth	Kerrey	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Exon	Mack	

NOT VOTING—1

Craig

So the motion to lay on the table the amendment (No. 608) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, as I understand, the Senator from New Mexico has two additional amendments. We are in negotiation on those. I think we are going to be prepared to recommend that we adopt those amendments.

We have been in the process of moving along on a number of the Kassebaum amendments which we are prepared to accept.

I see the Senator from Oklahoma [Mr. NICKLES] is on the floor. I called him earlier to see if he would be available to offer his shortly. I understand Senator CRAIG wants to offer an amendment at the present time, and then I am hopeful that maybe we could go to the Senator from Oklahoma.

Mrs. KASSEBAUM. Mr. President, I believe the Senator from Oklahoma is ready to offer his amendment now.

Mr. KENNEDY. That would be fine. We would be glad to consider that particular amendment at this time.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 609

(Purpose: To ensure that federally subsidized living allowances are provided only during the first and second terms of service of participants)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 609.

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

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

The amendment is as follows:

On page 68, after line 25, insert the following:

"(g) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

Mr. NICKLES. Mr. President, this amendment is fairly simple, and I understand from the managers of the bill that it is acceptable. So I will be fairly brief.

In the pending legislation, we limit the educational benefit, the so-called $5,000 benefit, for any individual to 2 years. So if one individual works 2 years in this process, or signs up for 2 years, they can receive $5,000 for each year, which is $10,000. Also, they would be obligated to provide services for 2 years in exchange for that, or at least for 1 year for each year of educational benefit. And with that service, they would receive a stipend, which most people said would be connected to minimum wage, and also receive health care benefits, and they would receive possible day care benefits.

Those benefit portions are paid in the following manner, 85 percent of which is paid by the Federal Government—that is, the health care benefits—and the Federal Government pays 100 percent of the child care benefits, and I believe 85 percent of the so-called stipend.

Mr. President, what this amendment would do is limit the Federal Government's obligation to any one individual for the benefits portion to 2 years. We limit the educational portion to 2 years. Likewise, this would limit the stipend, the health benefits, and the day care benefits, the Federal Government subsidy, to 2 years, and if the individual wants to continue under this program, they could, but without the Federal Government subsidy.

Maybe a local sponsor would pick it up. Maybe they would do it totally as a volunteer. I do not know. But at least this would limit the Federal Government subsidy to no more than 2 years for any one individual.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for the amendment and the clarification. It was never intended that there by any ambiguity about the number of years for which participants can receive stipends.

So, I thank the Senator for bringing this to our attention. It was certainly our purpose in development of the legislation to have that 2-year limitation in place. The Senator's language makes it explicit. I would think it is a useful addition.

I urge the Senate to accept that amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 609) was agreed to.

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

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

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator KENNEDY from Massachusetts, for his support of that amendment. I think that amendment is a step in the right direction.

I see my friend and colleague from Minnesota is here. I might just tell my colleagues that we have a couple more amendments, one of which I believe will be accepted, and that is an amendment that Senator DURENBERGER is interested in. It would provide or call for a sunset provision after 3 years. I also have an amendment calling for a sunset provision after 3 years, and I am hopeful that will also be adopted in the near future.

Mr. President, I have another amendment. I am not going to offer it now. We are going to have a conference on the Republican side of the aisle on this bill in just a few moments. I might discuss it for a couple moments.

(Mrs. BOXER assumed the chair.)

Mr. NICKLES. Madam President, this is an amendment that would limit the total exposure to the taxpayers over the next several years of this bill.

This bill, like a lot of bills, has a lot of support. It is like an authorization bill that is very open-ended. It says we will authorize, we will pass budget authority for the National Service Corporation of $394 million in 1994. What about 1995? What about 1996, 1997, and 1998?

It says "such sums." For those who do not follow the authorization process, this is a 5-year authorization process, and I hope we will be successful in

limiting it to a 3-year authorization so we can take a look at it. It is a brand new program. It is a very expensive program. So I think it makes good sense to have a shorter sunset period, and I am hopeful that that will be adopted.

How much will this program cost in 1995, 1996, 1997, and 1998? I see the chairman of the Budget Committee, and he, I am sure, should be concerned about this as well.

I also happen to be on the Appropriations Committee, and I see us all the time authorizing legislation far in excess of what we have the capability to appropriate funds for. The authorizations, many times, exceed by billions of dollars of what we can actually provide appropriations for.

I think that is what is going to happen, because President Clinton's budget calls for increasing the authorization. It starts at $394 million in 1994, but in 1995, 1 year later, that figure more than triples. It goes up to $1.2 billion. That is in 1995. In 1996 it almost doubles again, $2.4 billion, and by 1997 and 1998 $3.4 billion.

So, we are taking a new program that starts at less than $400 million, that does not sound like much, it is going to benefit 25,000 students or individuals. And, bingo, in 4 years the cost of this program is going to be $3.4 billion and we are going to be benefiting under the President's proposal 125,000 students. That is an enormous, rapid-growing program. It is an escalating program that, in my opinion, will be escalating out of control.

Madam President, the cost per person and how we are benefiting them compared to other educational types of assistance, I think is very interesting to note. We look at Pell grants. In 1991–92 we had over 4 million beneficiaries in Pell grants. They received a grant. They were low-income individuals. They received this financial assistance. It cost the Federal Government $5.37 billion. We have student loans, most of them guaranteed student loans, low-interest loans. We had 4.8 million beneficiaries and it cost the taxpayers a little over $2 billion. National service, by the year 1997, will cost $3.4 billion and only have 150,000 beneficiaries.

So you note the numbers of beneficiaries. You have 4 million beneficiaries in Pell grants, almost 5 million beneficiaries from students loans, and only 150,000 beneficiaries under the National Service Program.

I might mention that a lot of people have been led to believe that this National Service Program is going to be benefiting millions of people. That is almost campaign rhetoric, I guess.

As a matter of fact, I heard the President of the United States on "Larry King" the other night, and I will read what he said: "I want my national service plan to pass that will open the doors to college educations to millions of Americans."

Wait a minute—millions of Americans. This is only 150,000, and that is by the year 1997. In 1998 we are talking about 150,000, not millions of Americans, and that is 150,000 students at a cost of $3.4 billion. If it is 150,000, and he is talking about millions of Americans—well, if it is a million and half Americans that is a cost of $34 billion a year. If you are talking about millions of Americans, and I guess 2 million would maybe count as millions, you are talking about $68 billion a year. You are talking about a program that we do not even have on the books right now that the President of United States is talking about benefiting millions of Americans. So it is going to cost multibillions of dollars; $3.4 billion just to help 150,000.

So, if we are going to help out 2 million students or 3 million students, this is going to be an enormously expensive program—one, frankly, that we cannot afford.

Is it not interesting to note that at the same time we have individuals in Congress, both the House and the Senate, who are conferring on ways to raise taxes. I hear everybody running around, from the administration, saying they are raising taxes; not to spend more money on new programs, they are raising taxes to bring the deficit down. And many of us on this side of the aisle stood up and said, "No; they are really raising taxes so they can spend more money."

That is exactly what is happening. We are creating a brand new program, a National Service Corporation, a Federal corporation. We are going to tell the States to set up their own individual corporations, and we are going to be spending money at an astronomical pace.

Again, look at the cost per person. When you talk about national service, a lot of people seem to think that sounds nice—national service. We want everybody to work for the country.

We do not want everybody to work for the country. We cannot afford it. I do not want everybody to work for Uncle Sam. I do not have to pay the bills. I do not want my children to have to pay the bills.

Do you know how many students are in America? It is something like 16 million or 18 million students right now in college. This plan only helps 150,000.

So you can see that this is not national service from the concept that everybody in America is going to participate.

Well, what about the cost per person who does participate in the program? The cost for Pell grants, the cost that was provided in 1991 for the 1991 and 1992 academic year was $1,335 per person in Pell grants.

What about student loans? The cost of student loans for the 1991 loan volume was $416. That is not the value of the loan. That is the cost to the Federal Government of the loan and that is interest expense and defaults, what we have to pay, what the Federal Government has to write a check for. The cost per person, $416. Of course, they are able to borrow more than that.

What is the cost of the National Service Program? The cost of this program is astronomical. It is not a $5,000 educational stipend per year. That is one of the benefits. But also, in addition to the educational benefits, you have a job, you have a wage. Most people said it was going to be minimum wage. Actually, I think, in reading of some of the language, they are trying to tie it to other national service programs. The VISTA Program costs $16,000 a year. That is the role model that we are looking at.

In addition, we are going to pay health care costs. In addition, we are going to pay day care costs.

The administration figures—and again these are not DON NICKLES' figures, these are administrative figures—they say, "Well, it is going to cost $3.4 billion, and we are going to benefit 150,000 participants."

If you divide those figures, takes $3.4 billion and divide it by 150,000, the cost is $22,667 per person. That is an enormously expensive program. That is per year.

So an individual can receive this benefit, and we will pay the cost of this program, if a person participates 2 years, twice this amount, over $45,000. We are talking about real money. We are talking about spending $45,000 a year so an individual can have 2 years of college assistance.

Again, I just compare this program to the Student Loan Program and the Pell Grant Program. This is an enormously expensive cost to the taxpayers of America for an individual to go to school.

If we are going to sell this, as the President has been trying to sell it, as an educational program, well, let us modify or improve the student loan program. That seems to be a very good program and pretty economical. I do not doubt that we need not make some improvements in it, because I know the default rates are high.

I might mention, what the President calls for is direct Government loans. I think the President should be able to make the banks participate in the risk. Instead of having a loan guaranteed by the Federal Government 100 percent, let us have the Federal Government guarantee maybe 80 percent.

With Pell grants, we are helping people on the low end of the economic scale at a cost of $1,300. That is estimated to increase since we have increased the eligible amount and income amounts. But that still is so economical compared to national service, because national service, in addition to the $5,000 that we give them, we are

going to take care of them for a year, because they are going to have a job for a year. They are going to have health care for a year.

And I am afraid, too, what are they going to be doing? What will this individual be doing during this period of time? I do not doubt they will find a lot of good things to do. There are some real needs out there, community needs.

But, really, a lot of those community needs are being met by volunteers all across the country today. We have a lot of volunteers.

I heard Senator DOLE say we have 100 million volunteers. I think he is right. We used the statistics from the Statistical Abstract of the United States. We are talking about 38 million Americans working for volunteer causes.

Again, I think probably the 100 million figure is more accurate. It kind of depends on the definition of work, whether you are talking abut a couple hours of volunteer time for a week, maybe somebody that is a little more aggressive and punches the clock and really does work in a volunteer organization. But we have millions of volunteers throughout the country.

This program, when it is fully implemented in 4 or 5 years, will have 150,000 participants. They will be paid, but they will also be told, "Now, to receive this educational benefit, you have to work at least 1,700 hours a year."

Now, most people in the private sector work a lot more than 1,700 hours per year. If you work 40 hours a week, that is 2,080 a year. We are telling people under this program, all they would have to work would be 1,700 hours per year.

What will they be doing? That would be determined by Government. And I am concerned about that. I do not doubt that we will find some good projects for people to work on that will help people.

But I also have serious concerns about Government finding things for people to do that, in many cases, a lot of people might not agree with.

And again, we are talking about scarce resources on the Federal side.

I really love these people that are volunteering, that maybe are not being paid or maybe they are being paid almost nothing, volunteering their time maybe for the Red Cross, the Salvation Army, the Boy Scouts, or a youth group, or you name it. There are countless volunteer organizations all across the country that have done a great job.

Why in the world should we have the Federal Government come in and say, "Wait a minute. For some of these jobs, we are going to have a special benefit. Some of you are going to receive $5,000 if you offer to volunteer or you offer this community service."

All of these other individuals that are volunteering, they do not get paid anything or maybe they get paid a little bit from the organization that raises this money. The United Way, they raise the money from local individuals. They are out hustling, trying to help people put food on the table for people that do not have it. And so now we are going to have Federal bureaucrats in a very small number of cases come in and try to say we will do some of the same things. Some of those volunteers may say, "Wait a minute. Why should I do this? They are getting paid a $5,000 educational benefit. They are going to get $5,000 for doing basically the same thing I am doing, plus they get health benefits. I am not going to do it unless I get similarly compensated."

I think it would have a very negative impact on the millions and millions of volunteers that are in this country.

And so I would just tell my colleagues that we will have some additional amendments. One amendment will be to have a sunset provision that will limit this program to 3 years. Hopefully, we can get it limited at a lower amount. I do not know that we should start a program of $400 million and in 3 or 4 years be up to $3.4 billion, almost 10 times the amount that it is in 1994.

And I will tell my friend from Massachusetts that we are looking at an amendment that will limit that authorization. We are looking at one amendment that will limit it at $394 million for the next 5 years. It could save billions and billions of dollars.

So I want my colleagues to know that we are looking at that. Because I am one person that really has a concern when we pass authorization bills and we put such sums as necessary. That is a blank check, and that is a blank check I think the American taxpayers and certainly the Federal deficit cannot afford.

Mr. President, I yield the floor at this time. I will return some time later to offer one or more of these amendments.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I appreciate the position, although I differ with the position held by the Senator from Oklahoma. We will have an opportunity to debate any additional amendments that are forthcoming.

But I want to just take a few moments of the Senator's time and then hopefully we will have a chance to move along in terms of additional amendments.

Mr. President, this is not an education program. This is a service program.

This National Service Program will develop a range of opportunities for Americans to volunteer, to give something back to their community in return for all that it has given to them.

Part of this program is a program for what we call Serve America.

We have 45 million students in high schools, K through 12. In a number of schools in my own State and in a number in the State of Maryland that have been referred to by Senator MIKULSKI and others, these young students in kindergarten are volunteering to fold napkins, developing centerpieces for senior citizens' homes and for homeless shelters.

Fourth graders are adopting a senior citizen in a nursing home, calling them every day, speaking with them for 5 minutes, visiting them out in their nursing home on Valentine's Day or their birthday.

Sixth graders are visiting nursing homes, doing pantomimes. The great children's tale about the race between the rabbit and the turtle. Anyone in this body that has ever seen children do that particular play in a nursing home knows that the joy that takes place among those senior citizens is absolutely inspiring.

The 8th through 12th grade students in Springfield, MA, go down, under supervision, and work with students on helping them with language development, tutoring those students, writing little books; and these children prefer, actually, the ones that they write to ones that are bought and sold.

None of those individuals get a nickel in educational benefits. What they do is serve this country and communities. That is the essence of the program.

The President has challenged this country to try to offer opportunities for voluntary service, from kindergarten to the day you die. We must tap and are tapping that spirit. There are 90 million Americans who work every week for 2 hours or more. Wonderful; we are encouraging students to do that in high schools. Sometimes, to organize those particular activities requires giving those students a ride to the nursing home. In other cases a school needs a phone so these children can schedule visits. Someone has to be there when you have the 8th through 12th graders supervising these sons and daughters of working Americans. The kids are volunteering and glad to do it. They are inspiring other children. But there has to be some supervision and this supervision or logistics costs a small amount of money. Our program supports this.

If the Senate wants to discuss Pell grants, or Stafford loans, I am glad to do that. I think we ought to fund more of that kind of spending than the billions of dollars to the super collider or billions on the space station.

The President is interested in challenging people. He is interested as well in reaching out to those 700,000 Americans who drop out of school every year, to those who want to return to school, or college. Maybe the sons and daughters of working families who do not have the resources want to be able to serve. And throughout the history of

this country, people have served—generally in the military, as noble as that is, and it is a noble profession. Some of us believe that service to one's community is equally important, and should be encouraged. The legislation funds many different streams of chichas.

We should evaluate those programs to find out which ones work and which ones do not. How important is a stipend? Find out, if this program is the spark to get a participant to further education? See if participants continue their public service after they leave programs?

Thousands of the young men and women who work on Capitol Hill are former Peace Corps people. And they are continuing their public service. Obviously, they are getting paid now. But, nonetheless, their service clearly had an important impact on the direction of their lives.

We have been discussing dollars and cents all morning, and Lord knows we should. But there is also a texture to our society, and a quality to our society that cannot be measured in dollars.

The Older American Volunteer Programs funded under this act have proven their success for some 30-odd years.

An experience I had in visiting some of the Dade County schools down in Florida demonstrates their impact. They had an enormously interesting superintendent who since left, Dr. Fernandez. He went out and challenged the retired elderly in the county to assist local schools in teaching drama, theater, painting, photography, and other subjects; 25,000 senior citizens became involved and found their lives enriched.

It was interesting that when the local educational bond issue was later voted on, the community found that 65 percent of those over 65 years of age supported the bill. The elderly people felt part of the community. Do you know what happened? The costs for those school districts declined and the county was able to raise the pay for some teachers. In addition, academic achievement was improved in local high schools.

We have to have some imagination in how we bring service into our communities.

There are parts of this program that have been developed because people believe in service by seeing its impact in different communities. What we are trying to do here is offer that opportunity for service. It is a limited investment. But we believe it will pay off, especially as modified by the careful evaluation and a 3-year sunset provision proposed by Senators DURENBERGER and NICKLES which we plan to incorporate into our legislation. We are also taking recommendations and suggestions of the Senator from Kansas to determine and review the motivations for people to serve; whether or not they stay in public service; whether you can interest people in public service with a smaller stipend? All of those matters I think are fair for review and for study. We do not fight those ideas. We are prepared to have a thorough examination so we can return 3 years from now to show how a minimal investment has opened up opportunities for service to the communities. That is what we are trying to do.

I am not going to take the time to put into the RECORD now so many of the voluntary flood relief efforts of communities working in the Midwest and other volunteer programs. It is truly inspirational. I think many of us over the last few days have been inspired by this outpouring of support and voluntarism in our country.

But voluntarism in our society is not limited to those Americans with large pocketbooks or wallets. Voluntarism exists, more often than no, in those struggling to make ends meet. We want to ensure that this noble instinct to serve will not be snuffed out by the inability of those to serve. A modest living allowance will allow them to survive and improve themselves through education.

Mr. President, I yield the floor. I hope we will be able to address some of the amendments that are forthcoming.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that Evvie Becker-Lausen, of Senator DODD's staff, be granted privilege of the floor for the remaining consideration of the bill.

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

Mr. KENNEDY. Madam President, I understand there is a caucus that is taking place for the next 45 minutes by our Republican friends. I wanted to mention some of the programs that will be incorporated within this community service legislation while we wait for them.

I refer to programs in my own State of Massachusetts such as the Retired Senior Volunteer—often called the RSVP Program which involves retired seniors in community service. In Boston, we have 815 retired citizens who collectively contributed 253,000 hours a year at 116 different sites.

In Chicopee, MA, Holyoke, and Ludlow, there are 565 volunteers contributing 80,000 hours at 52 projects. In Dedham, 620 volunteers contributed 184,000 hours at 47 locations. In Fall River, 430 volunteers worked 121,000 hours. In Gloucester, 600 volunteers; Hyannis, 685; Lawrence, 385; Lowell, 515.

These are some of the communities with enormous challenges. In Lowell, MA, we have the second highest Cambodian population in the world outside Phnom Penh in Cambodia as a result of the flow of refugees.

These seniors, 515 of them, are working within the communities in a wide variety of ways—tutoring, providing language training. They are serving some 62,000 hours. In Northampton, MA, 510 seniors are involved.

In total, 8,500 in my State are volunteering over 1,500,000 hours in the RSVP Program. The Federal cost per hour is only 43 cents per hour of service. That is the minimal investment we are talking about in this legislation.

I will include also in the RECORD the Maryland Student Service Alliance Program. Service learning, integrating community service into education, is what this program provides. It will hopefully reach every school in this country, expose every student to service.

As one example, the Chesapeake Bay Middle School provides service learning by preparing and serving meals at a local soup kitchen. Students in health and science classes learn about nutrition by planning and preparing meals. Then the students visit the soup kitchen and serve the meal to hungry clients.

In Middletown High School, Frederick County, MD, students in 10th grade English classes read "Great Expectations" by Charles Dickens and learn about grinding, abject poverty. They investigate poverty issues in their own community and undertake projects to address that poverty. Some students work at a food pantry; others help maintain an emergency shelter for battered women and their children; still others advocate for full funding for the Women, Infants and Children Program.

There is also the Col. Richardson High School in Caroline County, MD. During the second semester of ninth grade civics, students put into practice their learnings about local communities in the first semester. Students work in teams to research a community problem, devise a solution, and carry out their plan. Some students start their own projects; others lend their energies to existing service organizations in the community.

In the Serve America piece of the legislation, programs are going to be developed by the students, and have a community service and educational component.

This is the kind of flexibility necessary to accommodate varied schools. All of these schools are somewhat different but all share the interest in trying to offer some opportunities to allow service. We have seen countless other examples of those types of programs in existence.

I ask unanimous consent to print in the RECORD other service learning examples of the Maryland Student Service Alliance.

There being no objection, the examples were ordered to be printed in the RECORD, as follows:

MARYLAND STUDENT SERVICE ALLIANCE

SERVICE-LEARNING EXAMPLES

Dr. Bernard Harris, Sr. Elementary School, Baltimore City, Maryland: Second and third graders enhance their reading and math skills by participating in the "Pennies of Love" project. The students designed the project to raise money to buy underwear for homeless children. Students earn a penny a page from parents for any leisure reading they do. In math class they chart how much money they earn and calculate how much money they need to earn to buy enough underwear for the children at Bea Gaddy's Shelter in Baltimore City.

Somerset Elementary School, Montgomery County, Maryland: First grade students practice reading when they visit senior citizens at a nearby nursing home once a month. Students read their favorite stories out loud to their senior pals.

Harpers Choice Middle School, Howard County, Maryland: As part of their learning about the environment in 7th grade science class, students plant trees to create habitats for birds, travel to the Eastern Shore to plant marsh grass along the Chesapeake Bay to slow erosion of the shore line, and stencil "Don't Dump" on storm drains. The students refine their persuasive writing abilities in English class by writing letters to politicians and newspapers to advocate for a clean environment. They also write letters to local businesses to solicit contributions so they can purchase materials for their projects.

Mr. KENNEDY. Madam President, I will talk briefly about a very interesting program which I helped develop. The program was actually suggested to the Bicentennial Commission on the Constitution during a public hearing to solicit ideas of witnesses regarding national needs.

There was a very interesting suggestion that while we focused on the Constitution during the Bicentennial, there are millions of Americans who, first of all, cannot read it, let alone understand it. At least we ought to give attention to some of their special needs.

From that idea we developed the Literacy Corps, which operates now in the Department of Education. This program will operate in tandem with the National Service Program proposed in our legislation.

The program was set up to provide grants to higher education institutions in order to promote literacy programs and encourage student involvement in community service projects. Grants are awarded to institutes of higher education to promote literacy programs in their communities. The Secretary is authorized to make grants to the institutions. An institution seeking a grant must apply to the Secretary of Education and meet certain requirements. They must show participation in community service activities and must establish courses requiring voluntary work.

For fiscal year 1993, the Secretary of Education is allowed to appropriate up to $5 million—not a lot—in grants for the student literacy corps.

Here are some examples:

Bunker Hill Community College, which was among the first to receive literacy corps grants, received funding until 1 year ago. the programs established at Bunker Hill involved between 10 and 20 students per year who were trained to assist Boston elementary and secondary school teachers as literacy tutors. These students were estimated to have worked with an average of five students each.

It is very interesting. Initially, there was some resistance and reluctance of the teachers in having these student volunteers. But, by a third of the way through the year, the teachers working with these young people talked about how absolutely indispensable their service was to improving literacy.

Southeastern University in Dartmouth, MA, worked in conjunction with ITECH to provide university students to tutor in elementary and secondary education. These students were scheduled to go to high school every day and received learning credit for their work. This has been replicated at Simmons College and others. It has been a resounding success.

At Cape Cod Community College students were trained to work with non-English-speaking students. Eighteen students were involved with the volunteer program, and received one credit for their tutorial work.

Boston University established a pilot program to put possible teachers in Chelsea classrooms, which at the time was among the poorest school districts in the United States. Students worked 1 day per week tutoring students and assisting teachers who had never had assistance before. The program lasted for 2 years and involved 35 students, confirming these students desires to become teachers. This pilot program led to a larger program that involved 75–100 students per semester.

The Stonehill College program is in its eighth year of operation. Each semester 10–15 students take a very demanding course which requires at least 6 hours per week of service. These students work one on one with children in great need in six Brockton elementary schools and many of the students continue to volunteer after the completion of the semester. These students also benefit by coming into contact with lifestyles greatly different from their own. The grant that Stonehill received helped expand the program and allowed administrators to go to national workshops and talk to education experts. Partly as a result of the grant the school now has a complete public service orientation. A number of students involved with the program even changed their majors to become teachers. While the community work these students performed was almost always their first involvement with community service, most of the students continued their community involvement in one way or another.

The program at the University of Massachusetts in Boston is unique because it works exclusively with non-English-speaking immigrant and refugee communities. The program recruited bilingual undergraduates and placed them in 16 adult programs, often, but not exclusively within their own communities. These programs, which in many cases had hundreds on waiting lists, taught English as a second language and also native language literacy. The undergraduates worked in both small groups or one on one situations and overall helped over 300 adult students.

While the program addressed the problem of adult literacy in immigrant and refugee communities in Boston, and helped diversify the teaching programs at the adult literacy centers, it also had a significant effect on the undergraduates involved in the program. The program gave the students, many of them immigrants, a chance to learn about each other's communities, and helped many of them choose to become social workers or teachers. In fact, many of the students stayed on as permanent staff in the agencies they were assigned to or obtained jobs as teachers or TA's before and after graduation.

The grant was especially helpful at a time when the schools' programs were being cut across the board and administrators of the program expressed a desire for the program to be expanded, even though they continue to train tutors at a reduced level.

I am very proud of these programs and what they have achieved at little cost.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 610

(Purpose: To grant an extension of patent to the United Daughters of the Confederacy)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. COVERDELL, Mr. FAIRCLOTH, and Mr. COCHRAN, proposes an amendment numbered 610.

At the appropriate place add the following new section:

SEC. . EXTENSION OF PATENT FOR INSIGNIA.

A certain design patent issued by the United States Patent Office on November 8, 1998, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by the Act entitled "An Act granting an extension of patent to the United Daughters of the Confederacy" approved November 11, 1977 (Public Law 95-1468; 91 Stat 1349), is renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

Mr. HELMS. Mr. President, the pending amendment, cosponsored by Senators LOTT, FAIRCLOTH, COVERDELL, and COCHRAN, has to do with an action taken by the Senate Judiciary Committee on May 6, which I am inclined to believe—and I certainly hope I am correct—that the distinguished Senators on that committee did not intend.

The action was, I am sure, an unintended rebuke unfairly aimed at about 24,000 ladies who belong to the United Daughters of the Confederacy, most of them elderly, all of them gentle souls who meet together and work together as unpaid volunteers at veterans hospitals and many, many other places.

These ladies, for example, present awards each year at West Point, the Naval Academy, and other military institutions, to honor young people whose academic achievements merit special attention. These ladies raise and/or contribute hundreds of thousands of dollars each year in scholarships. They perform charitable work at homeless shelters, at food banks, at homes for battered women. They are the only private organization authorized by the Defense Department to award crosses of military service and national defense medals. When the military calls, the Daughters of the Confederacy always answer.

Most of these ladies, as I say, are elderly, and are not the kind of gentle souls when the Senate Judiciary Committee should want to offend deliberately, let alone rebuke. I am sure that the committee's action on May 6 was not intended to have that effect.

Therefore, Mr. President, I have offered the pending amendment to set matters straight with these 24,000 delightful ladies, many of whom live in the few remaining rest homes established decades ago to care for the widows and daughters of Confederate soldiers.

Let me say again that I believe that the May 6 action by the Judiciary Committee was the result of a good faith misunderstanding. I sincerely hope that we can remedy that error now.

I have to be honest, Mr. President. I was not aware that many organizations—for example, the American Legion, the Sons of Union Veterans, the Daughters of Union Veterans, the Ladies of the Grand Army of the Republics, and the United Daughters of the Confederacy, among others—have been given patent protection by Congress for many, many decades. All of these organizations, and others, have their own insignias and badges, and so forth. Since 1898, Congress has granted patent protection for the identifying insignia and badges of various patriotic organizations. That patent protection runs for 14 years for each organization, and has been renewed automatically for these organizations in various years.

Recently, for example, the patent protection was extended for the Sons of the Union Veterans, the Daughters of the Union Veterans, and the Ladies of the Grand Army of the Republic.

This year, it was the American Legion's time, also the time for the United Daughters of the Confederacy to have their patent protections extended.

But as I say, through what I certainly hope, was a misunderstanding, the UDC's patent extension was dropped.

Although I have already touched on many of the activities of this organization, I believe it would be in order for me to review the history of service of the United Daughters of the Confederacy.

In the years following the War Between the States, thousands of men and women came together in reunions across the country. They buried the sword, and they paid honor to each other. It was in this spirit that Congress and Presidents Arthur, Cleveland, Harrison, and McKinley—the last two being former Union soldiers—encouraged the formation of groups such as the United Daughters of the Confederacy, not to refight battles long since lost, but to preserve the memory of courageous men who fought and died for the case they believed in.

The United Daughters of the Confederacy was established in 1894 by wives, widows, and daughters of the soldiers who fought for Southern independence. The organization currently has 24,000 members, in 31 States, and is totally dedicated and devoted to patriotic, educational, and charitable work, as I have indicated heretofore. More than 80 percent of the members also belong to the Daughters of the American Revolution, an organization which has its symbol protected by congressional patent.

When America faces a world crisis, the UDC responds. In the First World War, President Wilson called upon 100,000 members of the UDC to assist in that effort. They provided and they manned ambulances in France. The UDC paid for hospital beds in army camps and refugee services for French and Belgian orphans.

In World War II, the UDC answered Franklin Roosevelt's summons by sponsoring the Nurse Cadet Corps, by raising money for war bonds, and by organizing blood plasma drives. The head of the Texas chapter, Oveta Culp Hobby, was asked by the Chief of Staff of the Army, Gen. George C. Marshall, to draw up the plans for the establishment of the Women's Army Corps, known to history as the WAC's. And this same Oveta Culp Hobby was the first Secretary of Health, Education, and Welfare under President Eisenhower. This lady, as I said, was president of the Texas chapter of the UDC.

During Korea, Vietnam, and Desert Storm, the UDC served their country by ensuring that soldiers and sailors were taken care of both during and after the battle. As I said earlier, the UDC chapters across the Nation donate thousands of hours and dollars to Veterans' Administration hospitals and to the patients in these hospitals.

Since 1898, the Congress has renewed the patent for the UDC insignia every 14 years. Each time the renewal was passed unanimously. The insignia is a laurel wreath encircling the first national flag of the Confederate States of America, and the dates 1861-65.

That, Mr. President, is the insignia. The battle flag does not appear in the insignia and never has.

The Judiciary Committee supported, without reservation, patent renewal during the 102d Congress but the bill died because of adjournment.

One final note: The United Daughters of the Confederacy organization has helped many, many people. There is not one evil member of the UDC. There is not one member of the UDC who wants to pick a fight with anybody.

As I say, many of them are in rest homes, retirement homes, and they are marvelous ladies. They are patriotic ladies dedicated to preserving the memories of men whose courage and devotion to duty is legendary. It will be rewriting history to say to them, "you no longer count, and you no longer are going to have a recognition that so many other organizations have had since the turn of the century—including the UDC."

Again, I emphasize that most of the ladies now are elderly and live in a few remaining rest homes established decades ago. Scores of these homes once dotted the landscape of the South, which I love, but as the numbers of the children of the Confederacy have dwindled with each passing year, the homes and the memories have all but disappeared. The last living Confederate veteran died in 1959. In a short time, he will be joined by the last true daughters of the Confederacy and we will be left with nothing but fading recollections of these proud and gallant women.

Let me say, Mr. President, I really do believe that the Judiciary Committee's action was unintended. A couple of its members have told me that. I hope the

Senate will set the record straight and restore the patent to these gentle ladies as it has done down through the years.

I yield the floor.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I rise today in support of the amendment offered by my distinguished friend from North Carolina, Senator HELMS, to extend and renew the design patent for the insignia of the United Daughters of the Confederacy. The Congress began considering extensions of design patents early in this century. The protection given by Congress to various service organizations, by extension of design patents, has been the most common form of private patent acts in recent history. Examples of organizations which have routinely been granted patent extensions include the Daughters of the American Revolution, the American Legion, the American Legion Auxiliary, the Sons of the American Legion, the United Daughters of the Confederacy, and the Massachusetts Department of the United American Veterans of the United States of America.

Patent extensions for these service-minded, community-oriented organizations have been recognized by the Congress as meritorious. In fact, last year the Senate unanimously supported—without any expressions of reservation—the design patent protection for the United Daughters of the Confederacy. Last year, with the support from every member of this body, we considered the merits of extending patent protection for the UDC, found it appropriate, passed it and sent it to the House. Unfortunately, this bill was not acted on by the House prior to adjournment.

This amendment is essentially the same language which we approved last year to extend and renew the design patent for the insignia of the United Daughters of the Confederacy. This design patent was originally issued on November 8, 1898 and has been extended on numerous occasions since then. It was extended in 1926, 1941, 1963, and 1977. In November of last year the patent expired. In order to ensure continued protection for the insignia, Congress must extend design patent protection for the UDC. This should be a noncontroversial amendment.

Madam President, I want to speak on the activities in which the United Daughters of the Confederacy are engaged because I believe it is important that consideration of this amendment be based on the facts. The United Daughters of the Confederacy, founded in 1894, currently has 24,000 members in 30 States and the District of Columbia. The objectives of this fine organization as stated in their bylaws are historical, educational, benevolent, memorial, and patriotic.

The UDC enjoys a distinguished tradition of patriotic endeavors. At the beginning of World War I, the 100,000 members offered their services in whatever capacity needed to then President Wilson. During that war, the UDC financially supported 70 hospital beds at the American Military Hospital at Neuilly, France. Financial support was given to French and Belgian orphans. UDC members purchased over $24 million worth of war bonds and savings stamps and provided almost $1 million worth of support to the Red Cross and other war relief efforts.

During World War II, the United Daughters of the Confederacy continued to offer its services to the U.S. Government for war relief. They provided financial support, donated ambulances, established a blood plasma unit, sold millions of dollars in war bonds and were ultimately recognized by the War Department and the Red Cross for its outstanding work and contributions. This patriotic service continued during the Korean conflict, Vietnam, and Desert Storm.

Today, the UDC donates thousands of dollars and hours annually working with the Nation's veterans in VA medical centers and nursing homes. There are currently representatives and deputies from the UDC on duty in VA medical centers in 18 States.

Mr. President, furthering education is also a primary goal for the UDC. For example, in the last 8 years they have awarded over a half-million dollars in scholarships. The UDC also has a scholarship to provide women over the age of 30 with the opportunity to continue their education. Additionally, the UDC gives academic awards based solely on merit and to recipients chosen by their respective academy or college. Schools which are participants in these awards include, the United States Air Force Academy, Coast Guard Academy, Merchant Marine Academy, Military Academy, and the University of Virginia.

The United Daughters of the Confederacy has not changed in the few months since we last considered this matter. Their objectives remain historical, educational, benevolent, memorial, and patriotic. They continue to help our Nation's veterans, they continue to provide financial assistance for higher education, they continue to present awards based on academic excellence and they continue to work with many civic organizations, including homeless shelters, homes for battered women and children, hospital associations, and food banks. They are making a difference at the local, State, and national level. It should be clear to anyone who objectively examines this group that their activities are noble and community oriented.

Mr. President, it is my belief that past extensions by the Congress for the UDC reflect the opinion that their charitable work for the good of all citizens far outweighs sensitivities that some may have concerning their origin. This group has been engaged in worthwhile activities for almost 100 years and their philanthropic work should not be summarily dismissed because of misguided perception or misplaced sentiment. This group has nothing to do with discrimination that Congress prohibits nor do they advocate radical positions which may be considered out of the mainstream.

It is important that we make our decision on this issue based on the facts and the UDC's 100-year tradition of community service and service to the Nation.

Mr. President, for the record, I want to note recognition granted by the Congress to several other groups whose origin can be traced to the Civil War. The Congress has granted Federal Charters to the Ladies of the Grand Army of the Republic, the Sons of Union Veterans of the Civil War, the National Women's Relief Groups, Auxiliary to the Grand Army of the Republic, and the Daughters of Union Veterans of the Civil War. Additionally, most of these groups have been granted by the Congress exclusive rights to the use of their name, emblem, seals, and badges. The origin of these groups is similar to that of the UDC and the equitable course of action is to extend design patent protection to the United Daughters of the Confederacy.

It is important that the Congress, where possible, assist and promote patriotic organizations. Granting this extension to the UDC is meritorious and will help ensure that their good work will continue for many years.

I urge my colleagues to support adoption of this amendment and I ask unanimous consent that I be added as a cosponsor.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I would like to respond to this amendment and to suggest that it is absolutely ill-founded and to oppose the amendment.

Mr. President, I understand that we do not have a germaneness rule here in the Senate. But I would submit that, in the first instance, this amendment is

not germane, either to this bill or, frankly, to anything else.

The real bottom line with regard to this amendment and to the request for a design patent extension by the United Daughters of the Confederacy is that it is not needed. This was recognized by the Judiciary Committee when, on the 12th of May of this year, it considered the extension of design patents and, by a vote of 13 to 2, I believe, rejected the appeal of the United Daughters of the Confederacy for renewal and extension of this particular design patent.

I think it is important to note what a design patent is. It is not just a matter of simple recognition. It is a rare honor given to an organization. There are very few of them given. In fact, design patents have only been conferred on fewer than 10 organizations in this century. They are given for a period of some 14 years. And it just is rarely done, in any event, for any organization.

There are a number of fine organizations throughout this country that are well known that do not enjoy or do not have design patents. But this organization, by a matter of oversight or whatever, has—this last year, as was brought to the attention of the Judiciary Committee, and the design patent was refused or withheld. Now the Senator from South Carolina has come to the floor attempting to undo the work of the Judiciary Committee, attempting to undo the decision of that committee that a design patent was not necessary in this case.

I submit further that the design patent is not needed in terms of the work of the organization. The Senator from South Carolina has gone on at great length to talk about the charitable work of the United Daughters of the Confederacy. The fact of the matter is the refusal to extend this extraordinary honor by this body does not stop them from doing whatever it is they do, from continuing their work in the community and the like.

The Senator has not explained, however, why the Daughters need this extraordinary congressional action to continue the work of their organization or protect against the unauthorized use of their insignia. He has not addressed at all the conclusions that have been set forth from the Treasury, which were addressed in the committee, that say it is not only extraordinary but probably inappropriate to have a design patent issued in this regard.

When members of the United Daughters of the Confederacy came to my office to discuss this issue when we were involved with consideration of the issue before the Judiciary Committee, they could not even then answer the question why it was necessary to have a design patent. They can continue to fundraise. They can continue to exist. They can continue to use the insignia. Nothing changes in terms of what it is they do. The only issue is whether or not this body is prepared to put its imprimatur on the Confederate insignia used by the United Daughters of the Confederacy.

I submit to you, Mr. President, and the Members who are listening to this debate, as I did in the Judiciary Committee, that the United Daughters of the Confederacy have every right to honor their ancestors and to choose the Confederate flag as their symbol if they like. However, those of us whose ancestors fought on a different side in the Civil War, or who were held, frankly, as human chattel under the Confederate flag, are duty bound to honor our ancestors as well by asking whether such recognition by the U.S. Senate is appropriate.

The United Daughters of the Confederacy did not require this action to either conduct the affairs of their organization or to protect their insignia against unauthorized use. As the Patent Commissioner, Mr. Kirk, wrote in a letter issued April 30:

> In the absence of design patent protection and regardless of statutory protection * * * nonprofit organizations have still other options for obtaining protection for their badges, insignias, logos, and names.

So this is not an issue about protecting the insignia of the United Daughters of the Confederacy, nor is it an issue about whether or not they do good works in the community, nor is it an issue of whether or not the organization has a right to use this insignia. I think the answer in all those cases is they have a right to use whatever insignia they want, they have a right to organize in any way they want, they have a right to conduct whatever business they want. But at the same time it is inappropriate for this Senate, this U.S. Congress, to grant a special, extraordinary imprimatur, if you will, to a symbol which is as inappropriate to all of us as Americans as this one is.

I have heard the argument on the floor today with regard to the imprimatur that is being sought for this organization and for this symbol, and I submit this really is revisionist history. The fact of the matter is the emblems of theConfederacy have meaning to Americans even 100 years after the end of the Civil War. Everybody knows what the Confederacy stands for. Everybody knows what the insignia means. That matter of common knowledge is not a surprise to any of us. When a former Governor stood and raised the Confederate battle flag over the Alabama State Capitol to protest the Federal Government support for civil rights and a visit by the Attorney General at the time in 1963, everybody knew what that meant. Now, in this time, in 1993, when we see the Confederate symbols hauled out, everybody knows what that means.

So I submit, as Americans we have an obligation, No. 1, to recognize the meaning, not to fall prey to revisionist history on the one hand; and also really to make a statement that we believe the Civil War is over. We believe that as Americans we are all Americans and have a need to be respectful of one another with regard to our respective histories, just as I would.

Whether we are black or white, northerners or southerners, all Americans share a common history and we share a common flag. The flag which is behind you right now, Mr. President, is our flag. The flag, the Stars and Stripes forever is our flag, whether we are from the North or South, whether we are African-American or not—that is our flag. And to give a design patent, that even our own flag does not enjoy, to a symbol of the confederacy seems to me just to create the kind of divisions in our society that are counterproductive, that are not needed.

So I come back to the point I raised to begin with. What is the point of doing this? Why would we give an extraordinary honor to a symbol which is counter to the symbol that we as Americans, I believe, all know and love, which would be a recognition of the losing side of the war, a war that I hope—while it is a painful part of our history—I hope as Americans we have all gotten past and we can say as Americans we come together under a single flag. And this organization, if it chooses to honor the losing side of the Civil War, that is their prerogative. But it is inappropriate for that organization to call on the rest of us, on everybody else, to give our imprimatur to the symbolism of the Confederate flag.

Symbols are important. They speak volumes. They speak volumes to the people in our country. They speak volumes to the people outside of our country who follow and who care about what happens in this, the greatest Nation in the world. It seems to me the time has long passed when we could put behind us the debates and arguments that have raged since the Civil War, that we get beyond the separateness and we get beyond the divisions and we get beyond fanning the flames of racial antagonism. I submit that to use the insignia of the United Daughters is their prerogative. However, it is not their prerogative to force me and the other Members of this body to assent to an extraordinary honor of their own revisionist history. That is the purpose of the design patent.

Mr. President, I will have printed in the RECORD a letter to me dated April 30, 1993, from Mr. Kirk, of the U.S. Department of Commerce, Patents and Trademark Office. And, while Senator METZENBAUM is on the floor—and I do not know whether he wants to speak or not—I would like not only to have this letter printed in the RECORD, but I

would like also to share with the membership what is is the Patent Office says about design patents.

Mr. President, I ask unanimous consent the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. MOSELEY-BRAUN. Mr. President, he answered this question: Is it common practice for nonprofit groups to obtain design patents for their insignia and logos?

The answer is this:

First, logos are generally words or word combinations and are not articles of manufacture. As a consequence, they cannot be protected by design patents, but may be appropriate subject matter for trademark protection.

I point out that this is a design patent involved in this situation.

Obtaining design patent protection for a nonprofit group's insignia and emblems used to be more frequent in past years than today. However, obtaining renewal and extension of design patents for the insignia of such groups is the exception rather than the rule. This may well be due to the fact that numerous organizations have acquired exclusive rights to their seals, emblems and badges under title 36, U.S. Code, which pertains to patriotic societies and observances. It should be noted, however, that under this statute some organizations are granted exclusive rights to their names, emblems, seals and badges, while others have exclusive rights to their names only.

In other words, what he is saying is that most organizations have other kinds of protections and do not have this design patent, which is sought today by the United Daughters of the Confederacy.

He goes on:

For example, 36 U.S.C., section 48 confers to the American Legion only the exclusive right to its name.

The Boy Scouts have exclusive right to their name. But neither of these organizations enjoy a design patent.

He goes on:

"In that regard, the Boy Scouts"—with regard to their fleur-de-lis emblem—"* * * did not obtain an extension" of the design patent that they had at the turn of the century when it expired.

So this organization has now had a design patent, from what I understand, for two renewals and they are extraordinary in their request to have it renewed.

The next question asked in the letter is: Are design patents typically renewed? The answer to this question I think is significant to this body:

You are correct in understanding that design patents normally terminate after 14 years and, as a rule, are not renewed.

So while I will not finish reading the rest of the letter, because I have no intent right now to stand here and filibuster this issue, I think it is important to note that these patents are rarely renewed.

This is more than a second renewal for this organization. It is not necessary to begin with. They can continue to use their insignia. It does not interfere with their fundraising. It does not interfere with their charitable activities. It interferes in no way with their real activities, but rather is a symbolism of what is sought here with this amendment, which is so troublesome.

I submit to the body that the Judiciary Committee, in voting 13 to 2, recognized how singularly inappropriate it would be to renew the patent for the United Daughters of the Confederacy and it is singularly inappropriate for this amendment to be accepted.

EXHIBIT 1

U.S. DEPARTMENT OF COMMERCE,
Washington, DC, April 30, 1993.

Hon. CAROL MOSELEY-BRAUN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOSELEY-BRAUN: Thank you for your letter requesting information about design patents. I am pleased to furnish the following answers to your questions:

What are the criteria for granting a design patent?

In accordance with section 171 of title 35, United States Code, anyone who invents a new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of title 35, United States Code. In that respect, the requirement that a design be "new" is equivalent to the novelty requirements applied to utility inventions under 35 U.S.C. 102. Similarly, the requirement of nonobviousness under 35 U.S.C. 103 is also applied to design inventions. On the other hand, the utility requirement of 35 U.S.C. 101, which is a patentability criterion for inventions protected by utility patents, is not applicable to design inventions. Instead, designs must meet the requirement of being ornamental. There are also a few differences in formality requirements between an application for a design patent and a utility patent application. Further, unlike utility patent applications that are entitled to a right of priority of twelve months under 35 U.S.C. 119, design patent applications are limited to a right of priority of six months under 35 U.S.C. 172.

What are the rights and privileges of the owner of a design patent?

Like a utility patent, a design patent grants its owner the right to exclude others from making, using, or selling the invention under 35 U.S.C. 154. In that regard, all remedies under chapter 29 of title 35, United States Code, for infringement of a patent are available to the owner of a design patent. Unlike utility patents, however, whose term is seventeen years, design patents are limited to a term of fourteen years under 35 U.S.C. 173.

Is it common practice for nonprofit groups to obtain design patents for their insignia and logos?

First, logos are generally words or word combinations and are not articles of manufacture. As a consequence, they cannot be protected by design patents, but may be appropriate subject matter for trademark protection. Obtaining design patent protection for a nonprofit group's insignia and emblems used to be more frequent in past years then today. However, obtaining renewal and extension of design patents for the insignia of such groups is the exception rather than the rule. This may well be due to the fact that numerous organizations have acquired exclusive rights to their seals, emblems and badges under title 36, United States Code, which pertains to patriotic societies and observances. It should be noted, however, that under this statute some organizations are granted exclusive rights to their names, emblems, seals and badges, while others have exclusive rights to their names only.

For example, 36 U.S.C. 48 confers to the American Legion only the exclusive right to its name. By contrast, 36 U.S.C. 27 conveys to the Boy Scouts of America the exclusive right to use all emblems, badges, descriptive or designating marks, and words or phrases used by the Boy Scouts organization in carrying out its program. In that regard, the Boy Scouts also obtained a design patent on their fleur-de-lis emblem on May 30, 1911, but did not obtain an extension when the patent expired. We have no record that any design patent was ever issued to the Campfire Girls.

Are design patents typically renewed?

You are correct in understanding that design patents normally terminate after 14 years and, as a rule, are not renewed.

Do the insignia, badges and logos of nonprofit organizations enjoy any legal protection in the absence of a design patent?

As already mentioned, numerous organizations are granted the exclusive rights to their names and insignias under various provisions of title 36, United States Code. Other statutes offer additional protection, such as 18 U.S.C. 705, which provides criminal sanctions against the unauthorized use on merchandise of any insignia or colorable imitation thereof any veterans' organization incorporated by enactment of Congress. As a matter of interest, the signs of the American National Red Cross and the 4-H club are also protected under sections 706 and 707, respectively, of title 18, United States Code.

In the absence of design patent protection and regardless of statutory protection, such as that under titles 18 and 36, United States Code, nonproit organizations have still other options for obtaining protection for their badges, insignias, logos and names. If the nonprofit organization has used its badges, insignias, logos or names as trademarks to identify and distinguish its goods or services from those of others, these marks are protected under common law in the geographical area in which they have actually been used. Such common law protection may be embodied in state unfair competition statutes.

In addition, an organization may apply for Federal trademark registration of its badges, logos, or its name. Federal registration gives the trademarks owner certain benefits which are national in scope, e.g., a constructive use date which is in effect nationwide. To obtain Federal registration, however, the trademark owner must use the mark in interstate commerce or in some other type of commerce that may be controlled by Congress. The Veterans of Foreign Wars of the United States, for example, have obtained Federal registration for their seal as a collective membership mark, even though they enjoy protection of their name, seal, emblems and badges under 36 U.S.C. 117.

A seal, emblem or insignia, if an original work of authorship, may also qualify for copyright protection under title 17, United States Code, as a pictorial, graphic or sculptural work. Copyright law gives the author

the right to prevent copying of the copyrighted work in any medium.

Periods of exclusivity differ, depending on the type of protection obtained. As long as the trademark is in lawful use, Federal registration may be periodically renewed and protection continues indefinitely. Copyright protection for works of legal persons lasts 75 year from publication, or 100 years from creation, whichever expires first.

Given these various options available for protecting seals, insignias, emblems and logos of organizations, it makes little if any difference whether the subject matter was previously protected by a design patent that has not been extended or was never patented at all. Each form of common law or statutory protection is separate and independent and the presence or absence of one does not, as a general principle, preclude protection under another.

I hope that this information is helpful to you and would be pleased to answer any other questions you may have on this subject.

Sincerely,

MICHAEL K. KIRK,
Acting Assistant Secretary and Acting Commissioner of patents and Trademarks.

Ms. MOSELEY-BRAUN. Mr. President, I, therefore, move that amendment 610—this amendment—be tabled.

Mr. METZENBAUM addressed the Chair.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I wonder if the Senator will kindly withdraw and give me about 4 minutes to make a further statement.

The PRESIDING OFFICER. It would take unanimous consent——

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from South Carolina be given 4 minutes to respond, that the Senator from Ohio be given an equal amount, 4 minutes, in order to support the tabling motion, and if the Senator from North Carolina wants 4 minutes, I have no objection to that either.

Mr. HELMS. I thank the Senator.

Mr. President, will the Senator permit me to make a parliamentary inquiry? Did you declare there to be a sufficient second?

The PRESIDING OFFICER. I did declare there was a sufficient second.

Mr. HELMS. Well, fine. Just in case I might want to use it, I would appreciate 4 minutes more, too, but I do not want to delay the proceedings.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, the opponents of the design patent extension for the insignia of the United Daughters of the Confederacy [UDC] assert that the Congress should not act because there is absolutely no need for the protection of a design patent when other options may be available. In fact, however, a design patent provides protection which differs from that available under trademark and copyright law. Each type of legal protection has been created for specific usages which overlap but are not identical. The courts of the United States have emphasized the distinctions under the law between design patents and either trademarks or copyrights. The decision in Application of Mogen David Wine Corp. illustrates this point and holds that a design patent is not the same as other forms of protection.

The extension of the design patent will permit the UDC to prevent others from improperly using its insignia in circumstances which the UDC might not be able to prevent with a mere trademark or copyright action. Such circumstances might exist, for example, if a slightly modified version of UDC's emblem were used without permission. Design patent protection, which the UDC cannot obtain apart from this extension, does not require the different and more onerous showings that are required under the trademark or copyright laws to stop an infringer. Acting Commissioner Kirk agrees that a design patent offers separate and distinct protection from that available under trademark and copyright law.

Mr. President, the insignia of the UDC does not receive any protection under the provisions of titles 18 or 36 of the United States Code, which were mentioned by Acting Commissioner Kirk. Title 36 provides a Federal charter and perpetual protection to the Daughters of Union Veterans of the Civil War and other similar organizations, but not the United Daughters of the Confederacy. In contrast, this amendment simply provides a 14-year patent extension for the insignia of the UDC. For these reasons, I urge my colleagues to support the amendment offered by Senator HELMS.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I rise to commend the Senator from Illinois for her eloquent presentation in connection with this particular issue. She has pointed out that there is no real reason nor need for an extension of the design patent for the United Daughters of the Confederacy. There are only less than 10 groups in the country that have it. Nobody is going to be in the position to steal their insignia. That is protected by reason of other laws.

I commend my friend from South Carolina for stating the fine work that this organization allegedly does. But that does not provide any reason why we have to provide this kind of an affront to so many Americans who are offended by that for which the Confederacy stood over a period of so many years. It is time for us to unite. It is not time for us to be divisive, and there is a kind of divisiveness that is implicit in the offering of this amendment.

Let me point out that when this amendment was considered by the Judiciary Committee, only two Members of the other side of the aisle voted in support of the position of the author, the Senator from South Carolina, which meant one other beside himself; four others voted against it and two did not vote at all.

I believe this kind of an amendment at this point in connection with this bill is an effort to confuse the issue, to bring up matters that are really not relevant to the particular subject before us.

I think the whole question of tabling this amendment is entirely appropriate. I am so pleased that the Senator from Illinois came down to the floor in order to discuss the subject. She is obviously more knowledgeable than I and most of the Members of this body concerning the whole question of design patents for the United Daughters of the Confederacy. I believe she is entitled to the support of all the Members of this body and I, for one, will certainly be there to help her in every possible dispatch.

Mr. THURMOND. Mr. President, I would like to remind the Senator, Senator DECONCINI, as well as myself, supported the amendment.

Mr. METZENBAUM. It is a fact the Senator did receive one Democratic vote.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. HELMS. Mr. President, I hope the Senate will not have a dyspeptic confrontation on this matter. The situation is perfectly clear. The United Daughters of the Confederacy was singled out for punitive action and the pending amendment will remedy that.

And, by the way, it's worthy of note that the distinguished Senator from Ohio [Mr. METZENBAUM] on three occasions has voted to renew the patent protection for UDC. The fact that he reverses himself today is instructive from a political standpoint.

The last thing the Senate should do is to engage in clearly an inflammatory action. As far as I know, race relations in North Carolina are excellent—they may not be good in Illinois, or Ohio—I do not know about that, but in North Carolina they are fine.

The point is this: Why was the UDC singled out for such a punitive rebuke? These fine, gentle ladies do not deserve to be singled out for such abuse, made the target under an implied pretense that the UDC is some sort of evil organization—which it absolutely is not. I have never heard the UDC mentioned as having created any dissension whatsoever, racial or otherwise.

I hope the Senator from Illinois has not embarked upon an inflammatory political gambit. We should avoid theatrics. There should be no ad hominem attacks either way, either side. But I must say that the Senate may be making a very, very bad mistake in reverse of the very thing that the distinguished Senator from Illinois has talked about; there are going to be hard feelings about the action of the Senator from Illinois. There should be no hard feelings.

And there certainly should be none in States where thousands upon thousands of people from other sections of the country have moved in to and enjoyed the good living in North Carolina, people who love our State and they love the South.

As far as I know, there is no bitterness between the races. But this motion to table the pending amendment, let me guarantee you, is bound to create bitterness. If a Senator is going to use tactics of this sort, it would be better if she would pick on somebody her size. Leave the United Daughters of the Confederacy alone. These good ladies have a fine history and they do not deserve to have been singled out for an undeserved rebuke.

I reserve the remainder of my time.

Mrs. MURRAY. Mr. President, I rise in support of my dear friend and colleague, Senator CAROL MOSELEY-BRAUN, and against racism and its symbols.

I know her sense of frustration. I recognize her outrage. As a woman, I share some understanding of her situation. But I cannot know her sense of isolation being the only African-American in this body.

I thank her for standing up today and telling the truth about the racism embodied in the amendment we are debating. The issue here is not one of insensitivity or tradition. It is racism, pure and simple.

Without Senator MOSELEY-BRAUN's courageous stand against this amendment, the American people would think it's business as usual in this body—that they had not, in fact, voted for change last November. What we've seen today is clear evidence of change. We will not allow deference to notions of tradition to hide racism or any other form of discrimination or intolerance.

I am proud to stand with the Senator from Illinois and to serve with her in the U.S. Senate.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois proceeding?

Mr. HELMS. What is the request?

The PRESIDING OFFICER. The Senator from Illinois has no time.

A motion to table is not debatable. There were three 4-minutes pieces allocated.

Ms. MOSELEY-BRAUN. I yielded to Senator METZENBAUM. Senator METZENBAUM assented to the Senator from South Carolina and the Senator from——

The PRESIDING OFFICER. The Senator from Illinois made a motion to table and asked for the yeas and nays. The yeas and nays were ordered. The motion to table is not debatable.

Unanimous consent was put in for 4 minutes allocated to the Senator from Ohio, the Senator from South Carolina and the Senator from North Carolina, who has 48 seconds.

Mr. HELMS. I yield back the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Illinois be granted 4 minutes.

Mr. HELMS. Mr. President, I am going to have to object. I think we ought to go ahead and vote and get it over with.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—48

Akaka	Feingold	Mikulski
Baucus	Feinstein	Mitchell
Biden	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Brown	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Kennedy	Reid
Campbell	Kerrey	Riegle
Cohen	Kerry	Robb
Conrad	Kohl	Rockefeller
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Dorgan	Lieberman	Wellstone
Exon	Metzenbaum	Wofford

NAYS—52

Bennett	Ford	McCain
Bingaman	Gorton	McConnell
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Breaux	Gregg	Nunn
Burns	Hatch	Packwood
Byrd	Hatfield	Pressler
Chafee	Heflin	Roth
Coats	Helms	Sasser
Cochran	Hollings	Shelby
Coverdell	Hutchison	Simpson
Craig	Johnston	Smith
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	
Faircloth	Mathews	

So the motion to table the amendment (No. 610) was rejected.

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

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much.

Madam President, I really had not wanted to have to do this because in my remarks I believe that I was restrained and tempered. I talked about the committee procedure. I talked about the lack of germaneness of this amendment. I talked about how it was not necessary for this organization to receive the design patent extension, which was an extraordinary extension of an extraordinary act to begin with.

What I did not talk about and what I am constrained now to talk about with no small degree of emotion is the symbolism of what this vote——

The PRESIDING OFFICER. Will the Senator suspend a moment?

The Senate is not in order.

Ms. MOSELEY-BRAUN. That is what this vote really means.

I started off—maybe—I do not know—it is just my day to get to talk about race. Maybe I am just lucky about that today.

I have to tell you this vote is about race. It is about racial symbolism. It is about racial symbols, the racial past, and the single most painful episode in American history.

I have just gone through—in fact in committee yesterday I leaned over to my colleague DIANNE FEINSTEIN and I said, "You know, DIANNE, I am stunned about how often and how much race comes up in conversation and debate in this general assembly." Did not I say that?

I have the floor.

Mr. MOYNIHAN. The Senate is not in order. The Senator from Illinois is making an important statement, and the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MOYNIHAN. Madam President, please ask that conversations leave this floor while the Senator from Illinois is heard.

The PRESIDING OFFICER. The Senator from New York makes the point. All conversations will cease. Anyone wishing to conduct conversations, please continue in the Cloakroom.

The Senator from Illinois.

Ms. MOSELEY-BRAUN. So I turned to my colleague, DIANNE FEINSTEIN. You know, I am really stunned by how often and how much the issue of race, the subject of racism, comes up in this U.S. Senate, comes up in this body and how I have to, on many occasions, as the only African-American here, constrain myself to be calm, to be laid back, to talk about these issues in very intellectual, nonemotional terms, and that is what I do on a regular basis, Madam President. That is part and parcel of my daily existence.

But at the same time, when the issue of the design patent extension for the United Daughters of the Confederacy first came up, I looked at it. I did not make a big deal of it. It came as part

of the work of the Judiciary Committee. I looked at it, and I said, well, I am not going to vote for that.

When I announced I was not going to vote for it, the chairman, as is his due, began to poll the members. We talked about it, and I found myself getting drawn into a debate that I frankly never expected.

Who would have expected a design patent for the Confederate flag? And there are those in this body who say this really is not the Confederate flag. The other thing we did know was a Confederate flag.

I did my research, and I looked it up as I am wont to do, and guess what? That is the real Confederate flag. The thing we see all the time and are accustomed to is the battle flag. In fact, there is some history on this issue. I would like to read the following quote from the "Flag Book of the United States."

The real flower in the southern flag began in November 1860, when the election of Lincoln to the President caused widespread fear the Federal Government will try to make changes in the institution of slavery. The winter of 1860 to 1861, rallies and speeches were held throughout the South and, frankly, the United States flag was replaced by a local banner.

This flag is the real flag of the Confederacy. If there is anybody in this Chamber anybody, indeed anybody in this world, that has a doubt that the Confederate effort was around preserving the institution of slavery, I am prepared and I believe history is prepared to dispute them to the nth. There is no question but that battle was fought to try to preserve our Nation, to keep the States from separating themselves over the issue of whether or not my ancestors could be held as property, as chattel, as objects of commerce and trade in this country.

And people died. More Americans died in the Civil War than any war they have ever gone through since. People died over the proposition that indeed these United States stood for the proposition that every person was created equal without regard to race, that we are all American citizens.

I am sorry, Madam President. I will lower my voice. I am getting excited, because, quite frankly, that is the very issue. The issue is whether or not Americans, such as myself, who believe in the promise of this country, who feel strongly and who are patriots in this country, will have to suffer the indignity of being reminded time and time again, that at one point in this country's history we were human chattel. We were property. We could be traded, bought, and sold.

Now, to suggest as a matter of revisionist history that this flag is not about slavery flies in the face of history, Madam President.

I was not going to get inflammatory. In fact, my staff brought me this little thing earlier, and it has been sitting here. I do not know if you noticed it sitting here during the earlier debate in which I was dispassionate and tried my level best not to be emotional and lawyering about and not get into calling names and talking about race and racism. I did not use it to begin with. I do want to share it now. It is a speech by the Vice President of the Confederate States of America, March 21, 1861, in Savannah, GA.

"Slavery, the Cornerstone of the Confederacy," and this man goes on to say:

> The new Confederate constitution has put to rest forever all agitating questions relating to our peculiar "institution," which is what they called it, African slavery as it exists among us, the proper status of a Negro in our form of civilization. This was the immediate cause of the late rupture and present revolution.
>
> The prevailing ideas entertained by Thomas Jefferson and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature, that it was wrong in principle, socially, morally, and politically.

And then he goes on to say:

> Our new Government is founded upon exactly the opposite idea. Its foundations are laid, its cornerstone rests upon the great truth that the Negro is not equal to the white man, that slavery, subordination to the superior race is his natural and moral condition.

This was a statement by the Vice President of the Confederate States of America.

Madam President, across the room on the other side is the flag. I say to you it is outrageous. It is an absolute outrage that this body would adopt as an amendment to this legislation a symbol of this point of view and, Madam President, I say to you that it is an important issue. It is a symbolic issue up there. There is no way you can get around it.

The reason for my emotion—I have been here almost 7 months now, and my colleagues will tell you there is not a more congenial, laid back, even person in this entire body who makes it a point to try to get along with everybody. I make it a point to try to talk to my colleagues and get beyond controversy and conflict, to try to find consensus on issues.

But I say to you, Madam President, on this issue there can be no consensus. It is an outrage. It is an insult. It is absolutely unacceptable to me and to me and to millions of Americans, black or white, that we would put the imprimatur of the United States Senate on a symbol of this kind of idea. And that is what is at stake with this amendment, Madam President.

I am going to continue—I am going to continue because I am going to call it like I see it, as I always do. I was appalled, appalled at a segment of my own Democratic Party that would go take a walk and vote for something like this.

I am going to talk for a minute first about my brethren, my close-in brethren and then talk about the other side of the aisle and the responsibility of the Republican Party.

The reason the Republican Party got run out on a rail the last time is the American people sensed intolerance in that party. The American people, African-Americans sensed there was not room for them in that party. Folks look a look at the convention and said, my God, what are these people standing for? This is not America. And they turned around and voted for change. They elected Bill Clinton President and the rest of us to this Chamber. The changes they were speaking out for was a change that said we have to get past racism, we have to get past sexism, the many issues that divide us as Americans, and come together as Americans so we can make this country be what is can be in the 21st century.

That is the real reason, Madam President, that I am here today. My State has less than 12 percent African-Americans in it, but the people of Illinois had no problem voting for a candidate that was African-American because they thought they were doing the same thing.

Similarly, the State of California sent two women, two women to the U.S. Senate, breaking a gender barrier, as did the State of Washington. Why? Because they felt that it was time to get past the barriers that said that women had no place in the conduct of our business.

And so, just as our country is moving forward, Madam President, to have this kind of symbol shoved in your face, shoved in my face, shoved in the faces of all the Americans who want to see a change for us to get beyond racism, is singularly inappropriate.

I say to you, Madam President, that this is no small matter. This is not a matter of little old ladies walking around doing good deeds. There is no reason why these little old ladies cannot do good deeds anyway. If they choose to wave the Confederate flag, that certainly is their right. Because I care about the fact that this is a free country. Free speech is the cornerstone of democracy. People are supposed to be able to say what they want to say. They are supposed to be able to join associations and organizations that express their views.

But I daresay, Madam President, that following the Civil War, and following the victory of the United States and the coming together of our country, that that peculiar institution was put to rest for once and for all; that the division in our Nation, the North versus the South, was put to rest once and for all. And the people of this country do not want to see a day in which flags like that are underwritten, underscored, adopted, approved by this U.S. Senate.

That is what this vote is about. That is what this vote is about.

I say to you, Madam President, I do not know—I do not want to yield the floor right now because I do not know what will happen next.

I will yield momentarily to my colleague from California, Madam President, because I think that this is an issue that I am not going—if I have to stand here until this room freezes over, I am not going to see this amendment put on this legislation which has to do with national service.

The PRESIDING OFFICER. The Chair would advise that the Senator from Illinois may yield to the Senator from California for a question, if she wishes, at this time.

Ms. MOSELEY-BRAUN. If I have to stand here until this room freezes over, Madam President, I am going to do so. Because I will tell you, this is something that has no place in our modern times. It has no place in this body. It has no place in the Senate. It has no place in our society.

And the fact is, Madam President, that I would encourage my colleagues on both sides of the aisle—Republican and Democrat; those who thought, "Well, we are just going to do this, you know, because it is no big deal"—to understand what a very big deal indeed it is—that the imprimatur that is being sought here today sends a sign out to the rest of this country that that peculiar institution has not been put to bed for once and for all; that, indeed, like Dracula, it has come back to haunt us time and time and time again; and that, in spite of the fact that we have made strides forward, the fact of the matter is that there are those who would keep us slipping back into the darkness of division, into the snake pit of racial hatred, of racial antagonism and of support for symbols—symbols of the struggle to keep African-Americans, Americans of African descent, in bondage.

Madam President, may I yield, without losing my right to the floor, to the Senator from California?

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from California.

Mrs. FEINSTEIN. Thank you very much, Madam President.

Madam President, I am afraid the issue has been joined and I find myself in agreement with my colleague from Illinois.

This great party has to stand up and take a position on this issue.

Madam President, I am a new member of the Judiciary Committee, along with Senator MOSELEY-BRAUN from Illinois. I watched her make this presentation in committee. It was thoughtful, it was considered, and she received an overwhelming majority of the votes in the committee.

Madam President, I would like to make this appeal to the members of my party from the Southern States to listen to what Senator MOSELEY-BRAUN said about the impact of the Confederate flag has on a major portion of the American constituency; those who are African-American; those who carry with them the heritage of a nation which at one time and to a great extent still has a certain racism and bias in much of what we do.

Madam President, it is my hope that members of the Southern delegation, and members of the Republican party, after hearing the eloquent words of the Senator from Illinois, would be willing to recognize the importance of this issue and the statement that it sends to all Americans. We should not grant a patent for a flag which to many people represents the condoning of slavery in the United States. It is not the way to heal the wounds of this Nation. It is not the way to bring people together.

So I would like to submit to you Madam President, that Senator CAROL MOSELEY-BRAUN is correct. CAROL, I think you said it the way it had to be said. You said it eloquently. You said it beautifully.

I am hopeful that members of the Republican Party and of our very own party, will come forward with good will and provide the necessary votes to change this previous vote.

Mr. BRADLEY. Will the Senator from Illinois yield?

Ms. MOSELEY-BRAUN. I yield to Senator BRADLEY for a question.

Mr. BRADLEY. Madam President, in a very profound way, this is a sad moment. This is very sad for the U.S. Senate.

Decisions are made in this body from time to time that are viewed as procedural, processed as legal, and the symbolic is often lost that there is power in symbols—power in symbols.

This is a powerful symbol that sits on the other side of this Chamber. It is the symbol that signifies a large part of this Nation's past that we have strived to put behind us and to move on.

This amendment is an easy amendment that elicits old divisions and opens up older wounds. I wish it were not so. I wish it were not so, but it is.

I appeal to people who voted for this amendment to understand not just the wisdom, but the passion and the depth of feeling from which Senator MOSELEY-BRAUN spoke.

This is not a moment of pride for either party. There were Democrats who voted for this provision. There were Republicans who voted for this provision.

And, as has been the case in the past, I think it was a free vote. I think it was a free vote that sends a narrow message to a segment of the electorate that will respond positively and no one else will know, or no one else will be able to do anything about it if they did know.

I think what the distinguished Senator from Illinois' statement says is that the people are going to know about it. All the people who should know about it will know about it. And that this will not be seen as a free vote. This cannot be a free vote. This is a vote with consequences. It is a vote which ultimately, I hope, the Senate will reconsider and table when reason prevails here, when some historic consciousness prevails, when some sensitivity to other people as human beings prevails.

I say that about Members of my own party who seek this as a free vote to avoid an embarrassing questioning at a town meeting, to avoid a moment—or as one Senator said to me, "If you run in the South you will have to understand, this is just the way it is." That is not the way it is, I do not think, in all the South. I do not think that is the way it was for the President of the United States when he ran in the South. I think there is an attempt to put this past behind us.

So I appeal to my colleagues in my own party, and I appeal to my colleagues on the other side of the aisle who, in a legalistic argument would make the case but put in a human context, in 1993, in the United States—it has a perverse impact. And remind my colleagues that yours is the party of Lincoln. Yours is the party of Lincoln.

The party of Lincoln defeated that flag and abolished slavery. That flag says, as the distinguished Senator from Illinois said so eloquently, that slavery must be preserved. That is what that flag says, and that is what Lincoln fought against, and that is what the party of Lincoln stood for, for years—decades. And that is what I believe, in the deepest recesses of my heart, that many Members of that party stand for today. I say that because I respect them as human beings and I urge them to reconsider this vote. I urge them to reconsider this vote.

It is my hope there will be others who will speak here. That, if necessary, if the purpose of this amendment was to kill a national service bill that has been developed and fought and worked out by Members primarily on this side and that therefore party unity is going to prevail on the Republican side and no one is going to shift their vote to reconsider—let me say to you, you are being shortsighted. You are being shortsighted.

This is an amendment that is bigger than a filibuster by amendment on a bill that is anathema to your party. This is about whether we can put this past behind us and look at each other and say you are from the North, I am from the South: We are American; you are black, I am white: We are American. We can put this behind us. That is what this is about.

I walked in here and saw the vote and I must say I thought to myself, what is

this? This is going to be overwhelmingly defeated. I started making a slight comment about concurrent majorities, as the distinguished Senator from New York overheard me say, as I was reflecting on the history of the Confederacy in the well. And then I looked at the vote. It was 46–49. And this amendment looked like it was going to not be tabled.

I could not believe this.

Now, some of my colleagues might think this is emotional. It is emotional. It is emotional as anything is that goes to the very depths of our humanity and that hopes for the best in all of us to prevail every day, as Americans.

So I am getting to my question. And my question is, to the distinguished Senator from Illinois, that I know that she does, but would she not hope—would she not hope from the bottom of her heart that those who thought this was a free vote would reconsider; that those who go through the day without taking a moment, totally consumed by schedules, who might not have thought and voted, might reconsider? Might she not hope that, in reconsidering, we can bring people together in this body in ways that might not have occurred before? Might she not hope that her intervention today has not only heightened the issue of race in the minds of the party of Lincoln and those on this side who voted the other way, but in all of us as human beings?

Might she not hope that, as a result of this, maybe there will be a little more candor in this body when it comes to the issue of race? And that would be my question to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator very much. I would like to respond to the Senator from New Jersey, first to say in response to a series of questions that this amendment took many by surprise. In fact, I was over in the Judiciary Committee in the midst of confirmation hearings for the next Supreme Court Justice when I got a note on my desk that this Dracula had come back. I had believed that it had been killed dispositively by the Judiciary Committee previously when it voted 13 to 2 not to adopt this amendment. Lo and behold, it was being talked about on the floor as I sat on the Judiciary Committee. So I came dashing over here. I had not had occasion or time to alert my staff even. They had to bring over the book later. But I started to respond. I would catch people as they came on the floor. At the time the amendment was first put there were only three people on the floor.

So, as people came in I tried to tell them what this was about, but it was difficult because the vote was occurring. And I think the Senator's point is well taken. A lot of people thought, "Well, this is not a big thing. This will never be noticed." And did not understand the implications of what this means, not only to me personally, but what it means to every descendant of that peculiar institution, what it means to the people who fought on both sides of that war, what it means to America now, and what it will mean to America in the future: Whether or not we can put this behind us and move forward.

I know there are a number of Senators who have questions and I would like to yield for questions only.

Several Senators addressed the Chair.

Ms. MOSELEY-BRAUN. Yes.

Mr. BENNETT. Parliamentary inquiry, Madam President. I have a parliamentary inquiry which I think is privileged.

With respect to this, the motion to table having been defeated, what is the business before the floor? Is it the original amendment or is it some other business?

The PRESIDING OFFICER. The amendment is the pending question, and the Senator from Illinois has the floor.

Mr. BENNETT. So there is the possibility for an up-or-down vote on the amendment?

The PRESIDING OFFICER. That is correct.

Ms. MOSELEY-BRAUN. I yield to the Senator from Nebraska.

Mr. EXON. Will the Senator yield for a question without yielding her right to the floor?

Ms. MOSELEY-BRAUN. Yes, for a question.

Mr. EXON. I thank the Senator from Illinois. I will ask a question in just a moment. The Senator from Utah asked a question a moment ago. It may not be fully understood what the parliamentary situation is.

As I understand the parliamentary situation, the amendment that is opposed—and justifiably so, by a colleague from Illinois—was not tabled but the usual procedure then did not take place, wherein a motion is made to reconsider and that is laid on the table. So, someone who is on the prevailing side of the failure of the tabling motion—I think we can find some people to do that—would be in order if they chose to get up and say: I want a reconsideration of the vote. And if the Senator who made that motion was on the prevailing side of the failure of the tabling motion, then we could reconsider? I ask if that is not the correct interpretation, from a parliamentary situation?

The PRESIDING OFFICER. The Senator—a Senator who voted on the prevailing side, or who did not vote at all, is eligible to move to reconsider.

Mr. EXON. That is another way of saying yes without the Chair having said the question was stated correctly by the Senator from Nebraska. Is that correct, I ask the Chair?

The PRESIDING OFFICER. That is the Chair's understanding, yes.

Mr. EXON. Thank you. Sometimes I like to have a nonlegal answer to a legitimate, straightforward question.

I thank the Chair.

Let me speak on this matter as one who has indicated earlier, because of the cost consideration, I am going to vote against this motion when it does get to a final vote, up or down, on whether we want to institute this policy. Although I happen to feel that those who would advance this education measure, this measure that has to do with voluntarism, are well-intentioned, I think this is not the time to be going to this program.

I want my colleagues to understand that. I also want my colleagues to know that I voted in support of my colleague from Illinois when she offered the tabling motion, which I thought was in order. I listened to the outstanding speech made by the Senator from Illinois. I listened to the remarks preceding the question made by my colleague and friend from New Jersey. I agree with my colleagues from Illinois and from New Jersey.

I simply say to my colleagues from Illinois that I am not sure, since I think I know very well most of the people who voted against her wishes, the motion to table—I want to say this in the defense of all—that all or most of the people who voted the way they did, did not do it, in my opinion, from their heart on racial grounds.

Rather, I suspect it was from the old attitude of the South—the South shall return—that flag that I understand full well is of a major concern to certain groups in the United States. I do not believe, in all honesty and fairness, that that was the intent of those who voted the other way. I think more or less it was the fact of the Old South and that flag, we should be able to use that flag the way we want to.

I suspect, in all sincerity, that the vast majority of those who failed to vote for the tabling motion had no concept or understanding of the very legitimate background and concerns that have been made by the Senator from Illinois.

But in fairness to the Senate, I really believe that the Senator from New Jersey has indicated it correctly, that the Senate has made a mistake. I hope and I ask at this time: If we can arrange to follow the legitimate procedures of the Senate, if we can get one or more Senators who voted not to table to agree to reconsider the vote with a commitment to change their vote, and if we could give reasonable assurance to the Senator from Illinois that we have the votes now to table, after we vote to reconsider, then we would have the votes to table in order to move ahead with the business at hand.

With that kind of assurance from several of us on this side of the aisle,

and maybe some on that side of the aisle, would the Senator agree to cease and desist from her very legitimate argument to consider filibustering, if that assurance could be made to her?

Ms. MOSELEY-BRAUN. I thank the Senator for his question. The fact is, I did not look for a filibuster. I was not looking for a fight. I would very much like to have this resolved. I would like to put a stake through the heart of this particular Dracula and hope it never comes up again. It came up in Judiciary and was defeated soundly, with only three members of that entire committee—it is a large committee—two voting for it and one abstaining. The bulk of the Judiciary Committee, both Republican and Democrat alike, voted against this amendment. I would like to see that same result obtained today.

I yield to the Senator from New York for a question.

Mr. FORD. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FORD. As we stand now, the motion to table has been defeated. We are on the amendment itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Would it be in order to move to reconsider the vote by which the motion to table was defeated, provided a Senator who voted on the prevailing side made that motion?

The PRESIDING OFFICER. That would be in order.

Mr. FORD. Then, Madam President, the tabling motion is not debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. And on the tabling motion, the yeas and nays had been ordered?

The PRESIDING OFFICER. Correct.

Mr. FORD. If in this request to reconsider, and that is agreed to, could the motion to vitiate the yeas and nays then be in order and a voice vote on the motion to table be agreed to?

The PRESIDING OFFICER. That would require a unanimous consent vote.

Mr. FORD. I understand, but the motion to vitiate could be offered and it would be unanimous consent and then it would take only one Senator to object to that and we would be, again then, on the tabling motion with the yeas and nays and we would vote then to either yea or nay the tabling motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I thank the Chair.

Mr. MOYNIHAN. Will the Senator yield for a question?

Ms. MOSELEY-BRAUN. The Senator from New York.

Mr. MOYNIHAN. May I say to the distinguished Senator from Illinois that in my 17 years in this body, I have been not so moved as by her statement. She spoke of what in Christian faith would be called an epiphany, a sudden shining through of an internal reality that had not been there. I do not think the Senate knew it could do what it has just done. I do not think we had any idea how it would be undone. But I say this to the Senator:

When each of us comes to this body, and marches to the podium and we take an oath to uphold and defend the Constitution of the United States against all enemies, foreign and domestic, I say to the body that when I first took that oath, I thought it read "foreign or domestic," the idea that there would be a presumption of domestic enemies of the Constitution being odd.

Then I learned originally it did, but after the Civil War it was changed: "Foreign and domestic." And that Constitution which was forged in the Civil War is so clearly in spirit at odds with the proposal we have just voted on.

She could not have been more clear about the rights of free speech. Anybody who wants to wear that flag, anybody who wants to wave it, who wants to wrap himself or herself in it are free to do so, but for the Senate to endorse it is something I do not think we had any idea we were capable of.

I will ask the Senator one question: Will she not yield the floor until this matter is resolved to her satisfaction and to the honor of the U.S. Senate?

Ms. MOSELEY-BRAUN. I thank the Senator very much. That is correct. The Senator is absolutely correct. I am prepared to do whatever is necessary. I will defend this flag against all enemies, foreign and domestic. I will do everything I can to see to it that this body does not disgrace itself by giving its imprimatur to a symbol of a flag that was defeated in the Civil War.

Mr. BIDEN. Will the Senator yield for a question?

Mr. SIMON. Will my colleague yield for a question?

Ms. MOSELEY-BRAUN. The Senator from Delaware for a question. I am only yielding for a question.

Mr. BIDEN. Madam President, my question for the Senator from Illinois relates to—I actually have two questions: First of all, is it not true, as the Senator has indicated, which I think many of our colleagues did not understand because I share Senator EXON's view—I think that the vast majority of our colleagues who voted against the position of the Senator from Illinois did so without really thinking this through.

Is it not true that the requirement that if this amendment is tabled, no one is denied from displaying that flag, no one is denied from venerating that flag and no one, quite frankly, is in jeopardy of having that symbol stolen from them as an organization; is that not true?

Ms. MOSELEY-BRAUN. That is correct.

Mr. BIDEN. I have a second question, Madam President, of our distinguished colleague from Illinois.

I have come to know the Senator from Illinois prior to her election to the Senate and since she has been here, I have observed that the one thing the Senator from Illinois has consistently attempted to do is bring people together and not to separate them; that she has been the least dogmatic; that she has been the most conciliatory; and that she has been the significant force in the Judiciary Committee for awakening people to a slightly different point of view.

One of the reasons, I might add, why many of us worked so hard to get her here and why I worked so hard, with her concurrence, to come on the Judiciary Committee is I think we saw here today on the floor of the Senate one of the reasons why. I and others have been saying for so long there is a need for diversity in this body, not need for diversity to have a numerical representation representing the country, but need for diversity, whether it is as a native American, a black African-American, or as an Irish-American, or as an Asian-American, to be able to bring the one thing that is most needed at this moment in this country, and that is civility and a sense of understanding of the other person's point of view.

I am at this moment, or I should be at this moment, chairing the hearings on the nominee for the Supreme Court of the United States, an important undertaking for the Senate and for my committee. Yet, yesterday, the nominee, a woman, before our committee, when asked about interpreting a particular provision of the Constitution said I would feel more comfortable in knowing the motivation of the legislative body if when I looked up at that body I noticed it was made up of women when it relates to an issue that affects women.

The fact of the matter is the Senator from Illinois has pointed out something today that has been sorely missing in this body: that one single voice speaking for millions and millions of voices in this country who feel disenfranchised, and in many cases are; who feel like this body does not understand their problems, and in many cases they do not; who know that most of us do not come from a background or circumstance that allows us not only to understand but feel and taste the problems of an entire segment of this country; finally, who have a voice that has two purposes, not only to represent their point of view but to sensitize us to that point of view, because, hopefully, all of us in here share the vision of healing of the Senator from Illinois.

This amendment that we in the committee adopted—the position of the Senator from Illinois is not designed in

any way to criticize anyone in this country. It is merely to suggest that there are African-Americans and people of color in this country who cannot fathom or understand why we do not understand.

So my question to the Senator is one I cannot think of because my whole purpose here in going through this charade is to compliment the Senator and to point out to everyone here, everyone in this body, that today the Senator has done two things. One, she has demonstrated her grit; she has demonstrated her ability as a legislator. But the second thing she has demonstrated is the need to continue to broaden the diversity of representation of the American people, not for purposes of substantive outcomes on the economy or foreign policy or social policy but so that the American people of all colors believe they are, in fact, heard in this body.

So I ask my colleague from Illinois, will she be willing, if in fact enough of our colleagues now understand what they have inadvertently done, now that they have been, as we all need to be, myself included, sensitized to the perspective of another group of people as well as individuals in our society, will she be willing, if she prevails—and I believe she will—to acknowledge that those who change their vote made a good faith mistake when they cast it the first time?

Ms. MOSELEY-BRAUN. I thank the Senator from Delaware very much.

Mr. BIDEN. It is the only question I could think of.

Ms. MOSELEY-BRAUN. Redemption is always possible, and I would look very much forward to getting beyond this problem.

The Senator from Colorado came over and asked me about a question a few minutes ago, and I would like to respond to him without giving up the floor.

Mr. CAMPBELL. I thank my colleague.

As has already been put into practice by several of my colleagues, I will get around to my question in a short time. Let me say that I came over to the floor and voted a while ago with CAROL MOSELEY-BRAUN, went back to my office, as many of us did, and was answering some mail and watching television and it sort of exploded in my office on television.

I just wanted to tell her in front of this body that I was so proud that she stood up and kind of took on this issue. She is an outstanding legislator, and I am very proud to be able to serve with her. And I guess as the only other so-called person of color in this body, perhaps I have some insight that some of my colleagues may not except CAROL.

If I can ask her forgiveness, I would also say that I know there are some places in this country yet where American Indians are called prairie niggers, which is about the most vulgar term I can think of, or calling any African-American a name and certainly American Indians, too.

I know that some of my colleagues who did not support her in this last issue feel they were upholding tradition. I would point out to them that slavery was once a tradition, like killing Indians like animals was once a tradition. That did not make them right, and we sought, as a body, as a Nation, to correct that. There are still remnants.

Unfortunately, too many of our children are taught anger and insensitivity, not love, patience, and tolerance, and we have a long way to go. I think probably some of the people who did not support Senator BRAUN did not do it out of malice. They did it out of some kind of a misguided idea that they were preserving some kind of tradition.

I had a couple of experiences when I ran for this body just last fall that reminded me you never get to a point in America where we are going to totally erase some of the roots of prejudices. In one place, in fact—I am a veteran of the Korean conflict and very proud of our country, proud of the fact I was in the Air Force and proud of the fact that I carried the flag of the 1964 Olympic games when BILL BRADLEY and I were teammates in 1964 in Tokyo. And yet when I was endorsed by a veterans group and they asked the VFW, of which I am a member in one town in my State, if I could be endorsed in that VFW, they said we are not letting any Indians be endorsed in this body.

The VFW certainly apologized for that and whoever said that as a specific person did not speak for the VFW, which is by and large a good, patriotic, wonderful group of Americans, and I am very supportive of them. But it does tell from firsthand experience that you never get away from that stuff. And maybe because of that kind of constant reminder, even when you are a Senator, we develop maybe some raw nerves that other people do not have.

I wanted to point that out. That was only one of several things that happened to me just in the last year or so. But one thing is clear. Symbols are important in this country; otherwise what is that flag about that I said I once carried and what is the Statue of Liberty about? They are meant to do several things. One is to uphold and uplift the spirits of people and to draw them together. But, clearly, other symbols, such as the swastika, was meant to symbolize a division and draw people apart.

That is what we are talking about. Do we want to validate and ratify symbols in this country through this body? And I think historically we have tried to say we want to validate and ratify those symbols which are positive and which point out to all of us that we are all Americans and have a common goal, perhaps a common background, and we need to work together and not validate those symbols that are going to divide us and made us enemies of each other.

I just want CAROL MOSELEY-BRAUN to know that she is not alone in this fight. The history of this country has not been good to African-Americans and perhaps not good to American Indians either. So I understand that sensitivity.

As Senator BIDEN mentioned a while ago, he had to think up a question at the last minute. I would only reiterate his question and that was, do you think that perhaps we have convinced enough of our colleagues that they made a mistake to prevail on the next vote?

I thank the Senator for the time.

Ms. MOSELEY-BRAUN. Thank you very much. I certainly hope so.

The Senator from Wyoming had a question. He has been on his feet for a long time. I do not yield the floor. I do not yield my control of the floor. But I would respond to his question.

Mr. SIMPSON. Mr. President, I thank my colleague from Illinois.

I do have a question. But I want my colleagues to know how moved I am, especially with the passion, expressed by Senator MOSELEY-BRAUN and my good friend BILL BRADLEY, who is really a wonderful friend, a dear friend, a warm friend, speaking from his heart as he often does to phrase a question. I voted for Senator MOSELEY-BRAUN's position in the Judiciary because I was deeply impressed by her powerful argument. And at that time I was also impressed by her eloquence, and I tried to show a sensitivity to her urgings. What she has said today needs no further comment from me as to the power with which she spoke.

Then today I voted "no" to the motion to table. That was a very difficult thing for me to do, for I was thinking of the party of Lincoln; thinking of history, that is what I was thinking of; thinking how did this organization come to pass? Was it out of racism, because that is what we are really talking about. Let us clear up everything else in the Chamber. That is right where we have come—to racism.

I went back in history to find out about this organization. I found that four times in this body, by unanimous vote of all Democrats and Republicans—in 1926, in 1941, in 1963, and in 1977—long after the days of the great struggle of civil rights in the 1960's this simple measure passed the body unanimously.

So I tried to think, how did we get to this point where it is such a focal point of racism? Then I tried to think of history. I tried to imagine why this group was formed. I went through those troublesome things with a bit of research.

I remembered about this roots of our party and Abe Lincoln. I remembered,

too, that we have many wonderful black Republicans who support my party.

Abe Lincoln was trying to preserve the Union, not trying to destroy slavery, although that was certainly a great part of his movement. But he was trying to preserve this Union. And he said in his addresses so eloquently of the unrequited toil of the bondsmen, how much do we invest in this destructive and terrible thing?

But it kept coming to me, and it just does not leave, why we should target an organization that has never evidenced a scintilla of racism, as far as I know. I think that in itself is a divisive and nonproductive type of activity. And so today we voted.

There was another one that stuck in my craw. On that day in committee we also approved the charter of the American Legion, of which I am a member. And I found the American Legion, in its early beginnings, never allowed any blacks into membership. We did not do anything that day with the charter of the American Legion. It seems to me that was the time to address that. But they have a lot of power. And also that was long ago.

The extraordinary letter that this able and extraordinary woman colleague has read from was written 30 years before the organization we are talking about was founded, 30 years before those harsh remarks there, and they are real and they are ugly, but made long before this organization was founded.

It seems to me, when we say that this is simply about slavery and preserving an organization which still embraces feelings about that, I then think others in good faith—and I mean in good faith—might take issue with that statement about that being the full historical perspective of the Civil War.

Historians have debated and debated those issues for many years. It is not my purpose to add or detract from that debate. But what I do know is this: The majority of the people who fought in that war knew little about what they were really doing—blacks fighting alongside whites in the North; blacks fighting alongside whites in the South. And the majority of those combatants were poor working men and were drafted and conscripted and who ultimately gave their lives. I do not know that they had a great ideological commitment to the controversial issues of the day, but we are certainly bringing it back today.

I have the most curious conflict as to whether we should not perhaps engage in extending the benefit of the doubt that this organization is not racist; that simply because they have that flag symbol there, they are not racist, and that they do good things. And recall that Oveta Culp Hobby was the head of this organization at one time, and she is one of our great women patriot heroes.

Enough. My question, yes; the question.

The question is: What does the Senator from Illinois feel about this body that is being reviled today; what does the Senator feel about what this body was doing in the years of 1926, 1941, 1963, and 1977? Where those Senators in those years people of good faith, Democrats and Republicans alike, involved in some form of racist decisionmaking or voting when on four separate occasions they unanimously embraced the approval of the design of this organization?

Ms. MOSELEY-BRAUN. I would just respond by saying that they did not notice. I mean, that was said in debate earlier. It just happened. It just happened because there was nobody around to bring attention to what was clearly and obviously a mistake, what was clearly and obviously something that this body did not need to do. I mean, that is the issue.

Senator HEFLIN has a question for me, and I would like to yield to him only for a question and without losing my right to the floor.

Mr. SIMPSON. I appreciate the courtesy of the Senator from Illinois very much. It is a very difficult issue. She handled it magnificently. I thank her.

Mr. FORD. Mr. President, may I ask the distinguished Senator from Illinois to allow me to make a statement or to try to bring this to a grinding halt, if I may?

I would like to know how many more would like to make statements so——

The PRESIDING OFFICER. Without objection, the Senator from Kentucky——

Mr. FORD. There are at least four on the Democratic side, and two on the Republican side.

Would it be in order that after Senator HEFLIN, Senator KERRY of Massachusetts, Senator RIEGLE of Michigan, Senator SIMON of California, Senator BOXER of California, Senator WOFFORD from Pennsylvania—and I see we are going to have too many. I think the Senator is going to have to yield the floor, or perhaps we can get a unanimous-consent agreement that after these statements are made, Senator BENNETT and I will make a motion to reconsider the vote.

Ms. MOSELEY-BRAUN. I only yielded for a question. I am not yielding the floor.

Mr. FORD. I ask unanimous consent that I might make this statement, without you losing the right to the floor. I would never allow the Senator to lose her right to the floor. I would like to put it in some perspective here, because at the rate we are going, it will be a long afternoon.

Would the distinguished assistant Republican leader on the floor help me with trying to work out procedure here so that we can get a number and make a unanimous consent shortly?

Mr. SIMPSON. I certainly will, Mr. President.

Mr. FORD. I will yield the floor, and I will try to work it out so we can get to a motion to reconsider the vote by which the motion was not tabled.

Ms. MOSELEY-BRAUN. I thank the Senator.

The Senator from Alabama has a question he would like to put.

I yield for that purpose, without losing my right to the floor.

(Mr. WELLSTONE assumed the chair.)

Mr. HEFLIN. Mr. President, I rise with a conflict that is deeply rooted in many aspects of controversy. First, the conflict arises for the love of my southland. I feel today, however, that we also have a conflict in modern America.

I come from a family background that is deeply rooted in the Confederacy. My great-grandfather on my mother's side was one of the signers of the Ordinance of Secession by which the State of Alabama seceded from the Union. My grandfather on my father's side was a surgeon in the Confederate Army.

I have many connections through my family with the Daughters of the Confederacy organization and the Children of the Confederacy, and I have a deep feeling, relative to my family's background, that what they did at the time they thought was right.

History, as we look back, always can give perspectives on what existed at the particular time. But I revere my family, and I respect those who thought whatever they were doing was right at that particular time in our Nation's history.

But we live today in a different world. We live in a nation that every day is trying to heal the scars of racism that have occurred in the past. We are trying to heal problems of racism in the world in which we live today. Perhaps racism is one of the great scars and one of the most serious illnesses that we still suffer today.

The United Daughters of the Confederacy has done a lot of good work. Its support for soldiers in arms in times of war and national conflicts, and its support for the sale of war bonds, and its charitable donations to orphans, and the countless hours donated to veterans in our national veterans hospitals, are certainly admirable.

I do not believe the organization today really has racism at its heart or in its activity. But the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, is a descendant of those that suffered the ills of slavery. I have a legislative director whose great, great-grandfather was a slave. I said to my legislative director, "Well, if I vote with Senator MOSELEY-BRAUN, my mother, grandmother, and other ancestors will turn over in their graves." He said, "Well, likewise, my ancestors will turn over

in their graves." But I strongly feel that if they were alive today, they would stand for what is right and honorable, and they would agree with me that it is time to move forward in our Nation's history.

We live in a world today where symbols mean a great deal. They are important to this Nation and to its people. This matter is indeed an issue of symbolism that has been so eloquently raised by the junior Senator from Illinois.

In my State, we have a new Governor, and he has just begun his term of office by banning the Confederate battle flag from flying over the State Capitol dome. Instead, he has ordered that it still be duly recognized; by flying it from the first White House of the Confederacy, which is near the capitol grounds. The flying of the Confederate flag was and is offensive to a large segment of the people in Alabama, both black and white. I think that he moved in a proper manner to see that the flying of the Confederate battle flag at the top of the capitol dome be stopped.

I think we do live in a world of symbolisms. Many distinctions can be made, however, between the granting of the extension to the design patent sought by the United Daughters of the Confederacy and flying the Confederate battle flag atop the State capitol dome. But the whole matter boils down to what Senator MOSELEY-BRAUN contends—that it is an issue of symbolism. We must get racism behind us, and we must move forward.

Therefore, I will support a reconsideration of this motion, and I do it with conflict. Nevertheless, we must realize that we live in America of today. We live in a world in which we are so proud of the fact that we have made so much progress in removing the ills of racism, and we must realize that we must move forward to eradicate all of the racism that still exists. We live in a country in which we believe that all men and women—as stated in the Declaration of Independence—are created equal and are endowed by our Creator with the right of life, liberty, and the pursuit of happiness.

I feel that, today, this is a symbolic step. If we move forward to put the stamp of approval of the U.S. Senate and the Congress on a symbol that is offensive to a large segment of Americans, I think we will not be moving in the right direction, and it is a wrong approach to the ideals for which this country must stand.

Ms. MOSELEY-BRAUN. I say to Senator HEFLIN, my senior Senator, Senator SIMON, has been so nice in standing by me throughout this debate today.

The Senator has a question without losing my right to the floor.

Mr. FORD. Mr. President, will the Senator allow me to make a unanimous consent—without losing her right to the floor—to make a unanimous-consent agreement at this time?

Ms. MOSELEY-BRAUN. So long as I do not lose the floor.

Mr. FORD. I so ask unanimous consent.

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

Mr. FORD. Mr. President, I ask unanimous consent that the following Senators be recognized for statements and that the time announced for each be recognized, and that it will alternate from one side of the aisle to the other. They are 10 Senators; and at the end of the last speech that Senator BENNETT of Utah and myself be recognized for a bipartisan motion to reconsider the vote by which the amendment was not tabled.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. I think the Chair interrupted the Senator from Kentucky. He needs to continue first with his request and then I will ask if there is any objection.

Mr. FORD. Senator RIEGLE, 7 minutes; Senator KERRY of Massachusetts, 5 minutes; Senator BOXER, 5 minutes; Senator CONRAD, 3 minutes; Senator METZENBAUM, 3 minutes; Senator SIMON, 2 minutes; Senator WOFFORD, 2 minutes; Senator SPECTER, 3 minutes; Senator MCCONNELL, 3 minutes; Senator BENNETT, 3 minutes; Senator KENNEDY, 3 minutes; and Senator CAROL MOSELEY-BRAUN, 5 minutes; and at the end of that time Senator BENNETT and I be recognized to make the motion.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina just was responding. The Senator from Illinois still has the floor.

Ms. MOSELEY-BRAUN. Just checking.

The PRESIDING OFFICER. The Senator from North Carolina reserves the right to object.

Mr. HELMS. Mr. President, I reserve the right to object pending a response to a question. I do not care how many Senators speak on the motion to reconsider. That is irrelevant, and the time ought not to be taken for that anyhow. But that is not for me to judge. What I want to be sure of is that no action is going to be taken to limit the debate on the amendment when it becomes the pending business. The Senator from Kentucky has no idea of limiting debate on that, does he?

Mr. FORD. If the amendment gets to the floor, the Senator can have it.

Mr. HELMS. You bet. I do not object.

Mr. SPECTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. If I may have the attention of Senator FORD.

Mr. FORD. I want to be sure.

Mr. SPECTER. I want to be sure this is alternated here.

Mr. FORD. That is part of my unanimous-consent agreement.

Mr. SPECTER. Do the Republicans get the first speech, with the last one the Democrats?

Mr. FORD. I had not decided that yet, but since the Senator is here and I would not want to keep him on the floor longer than necessary I will be more than glad to ask him to speak first.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. FORD. Now, Mr. President, we have a unanimous consent agreement, and I would like to amend my unanimous-consent agreement, that Senator LAUTENBERG be recognized for 3 minutes, Senator KOHL be recognized for 3 minutes, and also Senator FEINSTEIN from California be recognized for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. My colleague, my senior Senator from Illinois, has been standing with his question.

Mr. FORD. Mr. President, let me say to the Senator we have a unanimous-consent agreement now for Senators to speak, and I agreed that the Senator from Pennsylvania would go first and we will alternate side by side.

The Senator does not lose her right to the floor, and she will be the last speaker before Senator BENNETT and I make our motion.

Ms. MOSELEY-BRAUN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and I thank the distinguished Senator from Kentucky, and I shall be brief.

I was among a group of Republican Senators who supported Senator MOSELEY-BRAUN. I did so because of my concern about the reaction to the symbolism of the flag as a symbol of racism. And I am very much concerned about that problem, and I believe that are there is tremendous bigotry in this country that remains, racism, religious bigotry.

I think that when this matter was handled in the Judiciary Committee, where I again supported Senator MOSELEY-BRAUN, it was established that the organization maintained a

common law right to use the flag—and there is no question about the use of the flag as a matter of freedom of speech—but the critical question was whether there would be an imprimatur sanctioning by the U.S. Congress on the resolution.

I am convinced that the sponsors of the amendment intended no racism and no disrespect in what they sought to achieve but followed the precedent where it had been achieved in the past. I do not believe that it is a party matter. Some on both side of the aisle supported Senator MOSELEY-BRAUN, and some on both sides of the aisle opposed Senator MOSELEY-BRAUN. It seems to me that the best way to resolve it is to reverse what has happened and to have the amendment defeated.

The symbolism is quite strong, and I think that the people who are watching these proceedings ought to understand that an amendment like this offered under the Senate rules may be offered without advance notice, perfectly proper, and that there is a 15-minute period extended by 5 minutes to vote. And I know I was in the well of the Senate and I think there was a lot of failure to understand precisely what was going on. So that the debate which has followed will put people on notice as to what is really involved.

I believe that on revoting that Senator MOSELEY-BRAUN'S position will be upheld, and I look forward to that vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I simply want to tell my colleague from Illinois how proud I am of her at this moment.

This discussion, frankly, has been good for the Senate and good for the Nation. I also want to tell you that I am very, very proud today to be your colleague. It took courage to do what you have done. The reality is symbols are important.

The Senator from Colorado, Senator NIGHTHORSE CAMPBELL, has talked about the offense that the use of the name Washington Redskins gives to native Americans. We have to face these problems and we have to be sensitive.

When I see a pickup truck driving down the highways of Illinois with a Confederate battle flag on the back of that pickup truck, I know that is not a symbol for understanding. It is a symbol that is not good. And what my colleague from Illinois has done today is to say let us use symbols that bring us together when we grant special opportunities to groups.

This group can continue to do that, I do not question that they do good things. But if they want to have this Federal charter renewed, come back with a different kind of a symbol. I am proud of my colleague, proud of the U.S. Senate today.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I want to commend the Senator from Illinois for her effective presentation. I understand the passion that she feels for this.

I would like to bring a slightly different perspective to it. My roots, like the senior Senator from Alabama, run deep in the South. Ironically just over the last 10 days I have been doing some work on my family genealogy.

My great grandmother's first husband was killed in the Civil War. I have learned that he was not a slaveholder, but he, like others in Alabama, viewed that conflict through the lenses of those days. And his view was that it was a fight for his region.

My grandmother belonged to the United Daughters of the Confederacy. I know she did not support slavery.

So it has been my view in growing up that the UDC largely was a group not about the purpose of glorifying slavery, but a group that very much revered the lives of those who were lost during that great conflict which was the most costly conflict this country has ever endured. More Americans were killed in the Civil War than any other war in our history.

So I voted in opposition to the Senator from Illinois, certainly not because I, in any way, advocate slavery nor do I believe that UDC advocates slavery, but out of respect for my forefathers who did what they thought was appropriate for their region of the country during this most difficult time.

I would hate to have this vote to be construed as somehow a refighting, if you will, of the Civil War or an endorsement of racism in any way. The Civil War happened. It is part of our history. Many of us, as we reach our fifties, get interested in our family histories, as I have been in the last months.

I revere those forefathers of mine, not because I approve of slavery, but they did what they thought was appropriate in their time. And so I do not feel we should deny this patent to the United Daughters of the Confederacy.

It never occured to me in casting my vote a while ago that it would be interpreted as somehow an endorsement of racism or slavery, but rather I did it out of respect for my ancestors and their roots which ran deep in the South.

That same family that supplied a Confederate solider also supplied a drummer boy in the American Revolution. So my descendents have fought to establish the country, some of us thought to divide us into two countries. I am glad that position did not prevail.

But I do not think the UDC has done anything to be punished for or to have this particular patent withdrawn.

So, Mr. President, I am going to, when we vote on this again, vote the same way I did the first time, simply out of reverence for my ancestors whose roots run deep in the Southern part of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 7 minutes.

Mr. RIEGLE. Thank you, Mr. President.

First of all, I want to say to the Senator from Illinois [Ms. MOSELEY-BRAUN] how I appreciate her extraordinary leadership today and, for that matter, every day. I think what she has done and said here today marks a change in direction not just for this institution but for the country as a whole. She speaks for all people of color in this country and beyond, and most of the rest of us, as well. So for her leadership, I am just deeply grateful.

And I want to say to the Senator from Alabama [Mr. HEFLIN] in the 27 years I have been here, I do not recall another time when I have been as moved by the remarks of someone reflecting as he did on the history in his family and the perspective that he brings and the fact that, by his gesture in reaching for the Senator from Illinois, that we put this country together, we put it together across lines of race and region and history. It was just one of those wonderful, blessed moments in the history of the Senate.

And also Senator BENNETT, who we will hear from just a little bit later. As I understand it, he will move to reverse this vote and stand, as he has before, independently on an issue of conscience as a Member of the Senate in his party and more broadly. And my hat is off to him, as well.

I was asking for the numbers of those people of African-American descent whose names are listed down on the Vietnam Memorial Wall. There are 7,264 of the 58,000-plus names on that wall. About 12½ percent of those that died in Vietnam were African-American. The African-American percentage in our society as a whole runs about 12 percent. Very interesting.

If you go back to the last several wars, in World War II, 8.7 percent of our fighting force were African-American. That went up to 9.8 percent in Vietnam, although the ratio of those killed was far higher.

But just more recently, in the Persian Gulf war, 20 percent of the American fighting force over there were men and women of color.

So we ask our people of color in this society to step up to all the responsibilities, including that of laying their life on the line for this country and what it stands for and for our flag, for the national flag, not for a Confederate flag or a battle flag or anything else, but the flag of one country united.

In Detroit, MI, there is an African-American history museum. I went

through there one day. I saw something that left an indelible impression in my mind.

It was the drawing of the floor of a slave ship. And on this drawing of the floor of the slave ship was marked out in chalk on the floorboards of that, in the hold of that slave ship, just room enough for each slave that had been taken at gunpoint in Africa and ripped away from their family to be put in the hold of the slave ship and made to lay on those wooden boards with literally no space between them.

In fact, up in the bow of that boat, there was actually an outline where one of the slaves would have to lay in a folded position so they could fit one more person up in the hold of that ship.

In coming across the oceans, of course, many died. And there were people of all ages; families. And the practice was, when the slave ships would arrive down the coast of the New World, oftentimes down in the Caribbean, they would take off the ships the people who were the weakest and might likely not survive.

So, in many cases, the children would be taken off at that point and left there. And then maybe the mothers would be dropped off a hundred miles up further north. And, finally, the fathers still further up the coast. Babies were taken right out of their mothers' arms and sold into bondage and families were separated that way.

That is the history. That is what racism is about and is a living memory.

And it continues to this day in so many families in our country who are fighting to overcome the racial stereotypes and the terrible damage that was done at that time in ripping families to pieces after they had been brought here at gunpoint and in chains and shackles.

So when somebody brings a flag like that out here and defends it, when it so clearly symbolizes that history, thank God we have an African-American woman Senator here in the Senate who stands up and says "no."

It has taken us over a hundred years since the Civil War to get to this point.

Thank God, again, that we have a native American Senator from Colorado who stands with her to make the same point from his perspective and who went over and won Olympic medals for this country under the flag of America and not under some carryover flag from Confederate days.

So it is time to bring this country together and put a stop to this kind of thing.

I want to again say to the Senator from Illinois how much I admire her for her courage, leadership, strength and perception, thank goodness she is here. And the Senator from Alabama, who reached across this issue to take her hand today, and the Senator from Utah as well, from that side of the aisle. There is hope and promise in America, when Senator MOSELEY-BRAUN and Senator HEFLIN and Senator BENNETT can get together on an issue of this kind, and I am proud to stand with them.

By the way, the Senator from Illinois will not be standing here alone. If she does not carry this vote, we will be here with her as long as it takes. We will keep the lights on as long as it takes until we carry this issue.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Utah wish to be recognized at this moment? If not, the Senator from Massachusetts [Mr. KERRY] is recognized for 5 minutes.

Mr. KERRY. Mr. President, I probably will not use that time. I join my colleague from Michigan and other colleagues who have, first of all, applauded the courage of the Senator from Alabama. Standing right behind him, one could feel as well as see the emotion that consumed him as he expressed a reversal which for him, where he comes from, is very, very hard to explain to some people and very hard to summon up on quick notice, if you will. I think it was great courage. Most importantly, it was leadership.

What is remarkable to me, as I stand here, is that there is a real discomfort as I think about the fact that we are 96 white men and women debating whether or not we ought to be sensitive to the expression of one African-American and one native American. If that does not tell us what the problem is, then nothing will.

I heard my very good friend from Wyoming, who I know does not have a racist streak in him, who is a good soul and friend of all of ours, cite the fact that four times in the past the U.S. Senate has just let this go by. But that is also the problem. Because you cannot look to the Senate of the twenties and the thirties and the forties and the fifties as an example of either what was right or how you ought to respond on an issue regarding the perception of people to something about race and about past history that we know was wrong. This institution did not begin to have much of a record on this subject until the 1960's.

You can turn to my colleague, Senator KENNEDY, and others, and ask what a struggle that was in the days of real filibusters, or long weeks, of all-night sessions, when they struggled to do what was right.

So the fact we are here now, reminded by one African-American, the first elected in her own right on this side of the aisle in the history of this institution, ought to give us pause to think about the message that she carries on behalf of millions of other people in this country.

This is not an issue of punishing an institution for what it believes. This is not an issue of denying people the right to fly the Confederate flag. This is not an issue of denying people the right to be proud of where they come from in this country, or of the history of their families.

This is an issue of sensitivity, about whether or not we, this mostly white institution, are going to express an understanding of a symbol that carries with it the capacity to make people literally fear for themselves. I have learned something about that in the last years as I have talked to African-Americans who tell me about the fear they can feel just crossing Harvard Square, or walking in Washington, DC, when they get into the wrong part of town and people look at them differently.

When you see the Confederacy symbolized—maybe not for a lot of people in this institution, but for an awful lot of Americans—it summons up and conjures up images that are painful and difficult. This is a question of whether or not we are going to ratify, as a Federal institution, a symbol that carries that fear. Or whether we will do what the Senator from Alabama has done so courageously: Summon up the will to acknowledge that this is a different time in this country; it demands a different response. And today is a great learning moment for the U.S. Senate, a moment where we, all of us in America, can gain a new sensitivity to the realities of this great Nation of ours.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER] is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I am so honored to be in this Chamber, standing so close to leadership and courage as I was, as I sat in the Chair and watched the Senator from Illinois speak from the deepest recesses of her soul, and at the same time from a very strong intellectual part; and to stand near the Senator from Alabama as he spoke to us and showed the most extraordinary courage I have seen in very many, many years.

When I was a little girl, my father used to say it is in the Senate where you see the courage. I thank the Senator from Alabama for making me feel so good that I am in this institution. For what he has done today, and the way he did it, speaks to the best in every American. If ever there was proof that diversity in this institution is important, we got that proof today.

I truly believe if the Senator from Illinois had not been sent here by her very wise constituents, this vote just may have gone by. I do not know if that is so. But I think it is possible. And the point is—and I say this to all Americans—that they were very wise in this last year because we are all creatures of our experience and our heritage. One is not better than the other. It is all crucial to making law.

When we talk about the Holocaust, there are those of us in this institution who can address it, who lost people in it, who can talk about the way it feels

when we see a swastika, or any denigrating symbols, or hear certain words.

When we talk about Native Americans, we have someone here with us, the Senator from Colorado, who can lead us. We will listen to him. We will feel his pain and understand the prejudice his people still feel. He can talk to us about the history of native Americans, who were driven from their land, a very gentle people, misconstrued in American folklore, and we can better understand that.

When we talk about prejudice against women and a woman's right to choose, we now have people who can stand here from their experience and say: Please listen to us. This is a private and personal issue.

We are enriched as an institution because the American people made this a more diverse body. I am looking forward to this next vote. I think this is a moment that will go down as a turning point in history. Indeed, I hope it will.

To the Senator from Illinois, I thank her for guiding us, for teaching us, for reminding us, for being insistent, for standing on her feet, for appealing to what is best in us. I assure her we will not let her down.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. Mr. President, the statement of the Senator from Illinois, CAROL MOSELEY-BRAUN, I think, was perhaps the most powerful, moving statement I have heard on the floor of the Senate since I came here 7 years ago. I was proud to vote with her, and prouder still of my colleagues who stood up, one after another, to say what is true: Senator BRADLEY, Senator CAMPBELL, especially Senator HEFLIN, Senator RIEGLE, Senator BOXER, Senator FEINSTEIN, and many more.

The fact is, something very important happened this afternoon on the floor of the U.S. Senate because we have confronted something ugly in this country, something very ugly in our past, something that haunts us still.

My relatives fought in the Civil War. They fought on the side of the North. They fought because they deeply believed in preserving the Union and they were deeply and morally opposed to slavery.

Mr. President, the Confederate flag is a symbol. It is an important symbol. It is a symbol of a system that allowed slavery. The Vice President of the Confederacy, in the letter the Senator from Illinois read from, said:

> The cornerstone of the Confederacy rests upon the great truth that the Negro is not equal to the white man.

Mr. President, African-American soldiers were equal to white soldiers when they died to preserve that flag—the American flag—in the Civil War. African-American soldiers were equal to white soldiers when they died to preserve that flag—the American flag—in World War I and in World War II. They were equal to white soldiers when they died to preserve this country in the Korean war and the Vietnam war and in every other conflict.

The Vice President of the Confederacy said that the other side, led by Jefferson, saw that enslavement was wrong in principle, wrong socially, morally, and politically. They were right.

The Senate should not, in my judgment, indeed cannot, put its stamp of approval on a symbol of something that was so wrong.

So, Mr. President, I hope and urge my colleagues that we will overturn a mistake that was made earlier. This is a great opportunity to confront something that is ugly in our present and in our past. I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Ohio is recognized for 3 minutes.

Mr. METZENBAUM. Mr. President, I rise because I have seen something here today that I have not seen since I have been in the Senate. I saw one person, who was able to make a difference, stand up and fight for what she believes in, and she gave a message to this body that electrified the body. I want to take my hat off to her because I think that she has not only won her point, but she has elevated this body. By her eloquence, she has shown that this body can be electrified. She had a losing hand. I stood there and tried to help her get votes. She had lost 52 to 48. I saw Members of this body vote the wrong way, and it was a difficult situation. She went back to her chair and she said, "I'm going to stand here as long as I have to. This amendment is not going to pass." There is no question about it, she will prevail.

But what is so important to me is that this body—not always, but in this instance—has proven that it can be prodded to do what is right. What a magnificent moment for this Senate when the Senator from Alabama, who voted against the Senator from Illinois, stands up and makes that most beautiful speech. It took a lot of courage to make that speech. I think each of us in this body recognize the difficulties of a Senator from Alabama speaking to this particular issue.

I just want to say that I personally am grateful to her. I am grateful to her for getting elected. I am grateful to the people of Illinois for sending her here. It was long past due that we have a woman of color in the U.S. Senate, and I am so pleased she is a Member of the body that I belong to.

But more important than that even is the fact that she showed us today how one person can change the position of this body, and she did it in a most eloquent way. We all owe her a great debt of gratitude.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island [Mr. CHAFEE] be added for 3 minutes and the majority leader be added to the number of speakers for 3 minutes.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY] for 3 minutes.

Mr. KENNEDY. Mr. President, the Senator from Illinois, like another great leader from Illinois, President Lincoln, appealed to the better angels in us this afternoon. She reminded us in a most eloquent way about the wounds, torn in the fabric of our society as a result of the Civil War and racism, that still exist. They will continue to exist until we bury the symbolism of that tyranny represented by this flag that has been talked about this afternoon.

Many times in the great causes of our country, in moving forward to strike down the barriers of discrimination, Republicans and Democrats have joined together and worked together. And I can remember in 1964, at a critical time in this Senate's history, whether we were going to achieve a milestone in the cause of civil rights, when another Senator from Illinois, a Republican, Everett McKinley Dirksen, cast his lot to strike down barriers of discrimination and racism.

I think of Abraham Lincoln and I think of Everett McKinley Dirksen when I have listened to the voice of Senator CAROL MOSELEY-BRAUN this afternoon, and I appeal to all those in this Chamber and in their country to bury this symbolism of slavery once and for all.

The PRESIDING OFFICER. The time of the Senator has expired. The Chair recognizes the Senator from Rhodes Island, Senator CHAFEE, for 3 minutes.

Mr. CHAFEE. Mr. President, one of the purposes of this Senate is to debate thoroughly the issues that come before us and, indeed, it has been called the greatest deliberative body in the world. I want to say this has been a good debate this afternoon, which I was fortunate enough to be able to hear all of practically.

I voted with the majority to table the amendment, dashing up here from lunch, as did others, to deal with an issue that was totally unfamiliar to nearly all of us.

It is apparent from this debate, Mr. President, that a group in our society feels very deeply about this matter,

and those views have been very powerfully enunciated by the extraordinarily excellent speech of the distinguished Senator from Illinois. I think her views and the points she made have validity.

I must say, regrettably, rarely on this floor are minds changed. All too often nobody is here listening or, if people are listening, they are only listening so they can jump up and give their speech without paying a great deal of heed to the speeches that have gone previously.

But I have been persuaded by the views that I have heard expressed today, especially by the Senator from Illinois. As I said before, I think they have great validity, and I look forward to the vote that we will soon have coming up on the motion to reconsider. I want to thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, Senator WOFFORD, for 2 minutes.

Mr. WOFFORD. Mr. President, the Senator from Illinois has shown not only that one person can make a difference, but that even a Senator can make a difference. I think this time has been very worthwhile today, even though I cannot think of an amendment more extraneous, irrelevant, and impertinent to a bill on national service than a bill for extending the patent of the United Daughters of the Confederacy.

It has been worthwhile if only for having seen once again the profile in courage of Senator HEFLIN from Alabama and to stir some of us into thinking about our own families and background and my two grandmothers who were members of the United Daughters of the Confederacy and who survived by going to Howard Law School and joining the civil rights movement, and to think back on the past, but also as the Senator from Alabama said the America of today.

I ask the Senator from Illinois and our friends here, is there anything that is more the opposite of the bill for national service that we are returning to soon than the divisive issue we have just taken up? And is not the national service bill itself designed for just the opposite, to bring our country together, rich and poor, North and South, young and old, black and white, cities, suburbs, and farms?

I hope, as we get moving on to the business at hand of the bill for national service, the better angels of our nature, as Lincoln would wish, do prevail in this Chamber tonight.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Who seeks recognition?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I join my colleagues in commending the Senator from Illinois as well as the Senators from Alabama and Utah and all of those who have spoken on this subject this afternoon.

The eloquence, the conviction, the power of the remarks made by the Senator from Illinois, the persuasiveness as seen in the subsequent remarks, is something rarely seen in the Senate or anyplace else in our society, and I commend her for the conviction and the principle and the courage she has brought to this matter.

Race has been the most divisive issue in American history. It continues to be. Let us hope that in a way that no one could have foreseen, and perhaps unintended, this issue, this debate, what we hope will be the result, will serve to help us get past this issue in our country.

I would like also to ask all Senators to reflect on another important issue presented by what has occurred here this afternoon. The Senate is a unique institution, and among the rules which make it unique are that any Senator can offer any amendment, anytime he or she wants, even though it has no relationship to the bill being considered, and without giving any notice.

Indeed, the sad reality is that many of the amendments we vote on we do not even know about until after they have been offered and they are read for the first time. Every Member of this Senate knows we are repeatedly confronted with amendments of this type that deal with seemingly less than nationally significant issues, that are unrelated to the bill being considered, on which there has been no notice, no debate, no discussion, and consideration. The first instinct of almost every Member of this Senate is to be cautious and to cast a vote that will not cause any problems later. And so time and time and time again we are confronted with amendments of this type and we have gone ahead and voted for them as a body because it is the easy way out.

I hope Senators will reflect upon this, and that, first, we will see a reduction in these kinds of amendments, amendments that are unrelated to the bill, amendments on which there has not been any time to reflect and consider and make a reasoned judgment before voting, and Senators in the future, thanks to the courage of the Senator from Illinois, will think long and hard before they take the easy way out and vote for an amendment of this type. It is the kind of thing we regularly confront. This is an important issue in its own right, but it is also important to cause every Member of the Senate to pause and reflect on the way we do business in this institution.

I thank my colleagues, and I again thank and commend the Senator from Illinois.

The PRESIDING OFFICER. The time of the majority leader has expired.

The Chair recognizes the Senator from Utah [Mr. BENNETT] for 3 minutes.

Mr. BENNETT. Mr. President, I will make a motion at the end of the 3 minutes in which I will be joined by the Senator from Kentucky.

When I came to the Senate, people said, how do you figure out all of the complicated work that you do? And after a little while here, I said, it is very simple. I have it all figured out. You walk on the floor, you vote "no," and you lose. That seems to be the fate of the freshman Republican in this body. It is almost an automatic reaction.

When I walked on the floor today, without having the slightest idea what the issue was, I was told, as were many Republican Senators, this is a Republican amendment. Once again there is a motion to table and once again the Republican reaction is that we do not want to see our fellow Republicans offer amendments and have them automatically tabled, and we vote against the motion to table.

I know among my fellow Republicans there was a large amount of that kind of reaction to what went on today.

I quickly realized, after the motion to table had failed, that a large number of Republicans did not realize the greater implications of what had just happened. I was one of those who, as I circulated among my fellow Republicans, said, do you understand what we have just done? They said no, and I said I intend to make a motion to reconsider.

I went to my leadership and got their blessing to make this motion, and I am happy to stand here now on behalf of the Republicans who feel strongly about the issues that the Senator from Illinois has raised, to make sure that the party of Lincoln does not bear the taint that some might have given to us by virtue of this vote.

Mr. FORD. Mr. President, will the Senator withhold his motion.

Mr. BENNETT. I will withhold.

Mr. FORD. We had Senators arrive late and are on the unanimous consent.

I ask the Senator to withhold until the Senator from Wisconsin has a couple of minutes. Will that be all right?

Mr. BENNETT. I withhold, with the understanding that I be recognized to make the motion at the appropriate time.

Mr. FORD. By unanimous-consent agreement, Mr. President.

The PRESIDING OFFICER. The Senator's time is preserved.

The Senator's time has expired. The Chair recognizes the Senator from Wisconsin [Mr. KOHL] for 2 minutes.

Mr. KOHL. I thank the Chair.

I rise today to offer my support to my colleague from Illinois, Senator CAROL MOSELEY-BRAUN, on this very important matter.

Yesterday, during the Supreme Court hearings, when we were talking to Judge Ginsburg, I asked her what she thought were among the most important issues we face in our country today, and she quickly said racism was among the most important, if not the most important, issues and problems we need to do something about today.

When she is confirmed, I have no doubt she will not duck the issue, and we must not duck the issue of racism today in the Senate. No one is trying to deny the Daughters of the Confederacy and no one is trying to take away their flag, but the Senate must not confer its imprimatur on a symbol of our divisive past and a symbol that offends so many people, both white and black.

So I am pleased we are going to reconsider. I have great confidence that when we reconsider, we are going to do the right thing. I think in doing the right thing we will cast a great deal of good qualities upon this body, and it will be something very special for all of us. Certainly, it will be something very special for one of our special Members, Senator CAROL MOSELEY—BRAUN. I am very happy to be here in support of what the Senator is doing, which is in the grandest tradition of our country.

Mr. LEVIN. Mr. President, to paraphrase Charles Dickens, the past few hours in the Senate were the worst of times and the best of times.

I was distressed to see the Senate vote against tabling the amendment by Senator HELMS when it was first offered. The amendment would have continued what amounts to a Federal seal of approval on a symbol that is offensive to millions of Americans. The vote represented an insensitive display of business as usual—its OK to do something again because we have done it before. I voted in favor of tabling the Helms amendment.

However, it appears that we are about to reverse that decision. In doing so, the Senate has demonstrated its ability to listen to the courageous voice of a new member and to correct its mistake. Instead of putting its stamp of approval on a symbol that has divided this Nation, the Senate has shown the benefit of debate and diversity. Instead of dredging up the horrors and prejudices of the past, it has shown its ability to look to the future with sensitivity and the hope of renewal. For these reasons, I will be pleased to vote for the motion to reconsider the motion to table the Helms amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for the purpose of making a motion.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which we moved to table the amendment.

Mr. FORD. Mr. President, joining with the Senator from Utah, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to reconsider the previous motion to table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—76

Akaka	Feingold	Mikulski
Baucus	Feinstein	Mitchell
Bennett	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Boren	Graham	Murray
Boxer	Gregg	Nunn
Bradley	Harkin	Pell
Breaux	Heflin	Pressler
Brown	Hollings	Pryor
Bryan	Hutchison	Reid
Bumpers	Inouye	Riegle
Campbell	Jeffords	Robb
Chafee	Johnston	Rockefeller
Coats	Kassebaum	Roth
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dodd	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lugar	Wofford
Durenberger	Mathews	
Exon	Metzenbaum	

NAYS—24

Bond	Gramm	McCain
Burns	Grassley	McConnell
Byrd	Hatch	Nickles
Cochran	Hatfield	Packwood
Coverdell	Helms	Smith
Craig	Kempthorne	Stevens
Dole	Lott	Thurmond
Faircloth	Mack	Wallop

NOT VOTING—0

So, the motion to reconsider was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, would it be in order to vitiate the yeas and nays?

The PRESIDING OFFICER. The Chair will advise the Senator that will require unanimous consent.

Mr. HELMS. I object.

Mr. FORD. Objection is heard, and I respect that.

We go to the motion to table without intervening business and the vote is "yea" to table or "nay" to not table.

The PRESIDING OFFICER. The Senator is correct.

The question on reconsideration is the motion to lay on the table the amendment of the Senator from North Carolina. Under the precedents, the yeas and nays carry over.

the clerk will now call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. MURRAY). Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 75, nays 25, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—75

Akaka	Exon	Mathews
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Boren	Gorton	Moynihan
Boxer	Graham	Murkowski
Bradley	Gregg	Murray
Breaux	Harkin	Pell
Brown	Heflin	Pressler
Bryan	Hollings	Pryor
Bumpers	Hutchison	Reid
Campbell	Inouye	Riegle
Chafee	Jeffords	Robb
Coats	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Specter
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durenberger	Lugar	Wofford

NAYS—25

Bond	Grassley	Nickles
Burns	Hatch	Nunn
Byrd	Hatfield	Packwood
Cochran	Helms	Smith
Coverdell	Kempthorne	Stevens
Craig	Lott	Thurmond
Dole	Mack	Wallop
Faircloth	McCain	
Gramm	McConnell	

So, upon reconsideration the motion to lay on the table the amendment (No. 610) was agreed to.

Several Senators addressed the Chair.

Ms. MOSELEY-BRAUN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. MACK. Madam President, I want to be absolutely clear about the intentions behind the two votes I cast today on Senator HELMS' amendment to the National Service Act. I voted to allow the United Daughters of the Confederacy to continue to enjoy a design patent on their emblem because I reject the notion that the issue before the Senate was one of racism. Rather, I view the amendment as designed to preserve the heritage of those who are proudly descended from the ranks of those who fought and died in the Civil War. The United Daughters of the Confederacy [UDC] do not concern themselves with race when performing their charitable endeavors. Nor is the fact of having previously granted a design patent on their emblem an indication that this body has somehow endorsed racial discrimination. Rather, the question before the Senate on this amendment was whether to allow citizens to continue to honor a part of America's heritage, in all its glorious diversity.

Today, unfortunately, the extension of a simple and honorable courtesy, which the Senate has granted to the UDC four times in the past, was wrongly transformed into a question of the Senate's proclivity for racism. Disappointingly, political correctness has won the day. This was not a vote about racism. It was a vote about allowing a group of elderly women the privilege of honoring their emblem. I voted for that privilege.

UNANIMOUS-CONSENT AGREEMENT

Mr. DODD. Madam President, I understand we are now going to consider an amendment by the distinguished Senator from Idaho, and I ask unanimous consent that be with a time limitation of 30 minutes on the amendment of the Senator from Idaho regarding family and medical leave; and that no other amendments be in order prior to the disposition of Senator CRAIG's amendment?

Mr. DANFORTH. Madam President, reserving the right to object.

Madam President, I wonder if it would be possible for me to proceed for about 3 minutes on the subject of the previous vote, before we move to the Senator's amendment?

Mr. DODD. I have no objection to that. Can we get this unanimous-consent agreement and then the Senator can be recognized for 3 minutes.

Mr. DANFORTH. Certainly.

Mr. DODD. That will be evenly divided; 30 minutes evenly divided.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Yes, there is, Madam President.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I believe there are other Senators who wish to do the same thing and I wonder if we could arrange it so all would have a chance.

Does the Senator from North Carolina wish to address the Senate on the same subject?

Mr. HELMS. I think it would be appropriate, Mr. Leader, yes. I had intended to use a few minutes, but not many. I decided to object to the unanimous-consent request. If I can have a few minutes? I do not want to be limited. I will only use a few minutes but I do no want the Chair saying my time has expired.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. What I propose then is we now have, I believe, four Senators who wish to address the Senate on a previous subject. I would like to simply inquire of each what time they want and then encompass that in an agreement, and then we could proceed with that.

Three minutes to the Senator from Missouri. How much time would the Senator from North Carolina like?

Mr. HELMS. I do not think I will use more than 5 minutes. I do not think I will use that much, but I do not want to be restrained because I have a few things I want to say. I will promise the leader I am not going to waste time.

Mr. MITCHELL. I accept that.

The Senator from New Jersey?

Mr. LAUTENBERG. Mr. Leader, I would like 3 minutes and I will not waste time either.

Mr. MITCHELL. The Senator from Illinois? How much time does the Senator require?

Ms. MOSELEY-BRAUN. Two minutes will be fine.

Mr. DODD. I will take a minute.

Mr. MITCHELL. If the Senator from North Carolina will remain, I am going to put a request to accommodate everyone and I will not put a time limitation on his remarks.

Mr. HELMS. That will be fine, Mr. Leader. And I promise you I will not be too long.

Mr. MITCHELL. I ask unanimous consent the Senator from North Carolina be recognized to address the Senate; that upon completion of his remarks the Senator from Missouri be recognized to address the Senate for up to 3 minutes; that upon the completion of his remarks the Senator from New Jersey be recognized to address the Senate for up to 3 minutes; that upon the completion of his remarks the Senator from Connecticut be recognized to address the Senate for up to 3 minutes; and that upon completion of his remarks the Senator from Illinois be recognized to address the Senate for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Madam President, if the majority leader would withhold, I will probably not object, but I reserve that right. I thought the Senator from North Carolina had declared that he was interested in 5 minutes worth of time and I think we ought to honor that request and thereby limit it and be able to move this along.

Mr. MITCHELL. Mr. President, the Senator from North Carolina indicated that he did not wish a time limitation to be imposed, but he assured us that he would not use more than 5 minutes and I am prepared to accept his word on that.

I would like to ask the Senator from North Carolina if we would permit the Senator from Illinois to proceed first for 3 minutes, to change the order so he would then go second?

Mr. HELMS. To the contrary, let me appear last. Let everybody have their say and then I will wind up. I thank the leader.

Mr. MITCHELL. I renew my request with the modification the Senator from Illinois proceed first and the Senator from North Carolina proceed last, in the order stated, all other terms of the request being the same.

Mr. HELMS. Madam President, just one moment. I think someone, either the distinguished Senator from New Jersey or maybe the majority leader, misstated what I said. I said I did not want any time limitation but I did not plan to use more than 5 minutes. Is that what the Chair understood me to say?

Mr. MITCHELL. That is exactly what I understood the Senator to say.

Mr. HELMS. Somewhere along I heard differently, but if that is understood——

Mr. MITCHELL. The Senator from New Jersey asked that a time limitation be placed on the time of the Senator from North Carolina. My response was that the Senator from North Carolina had asked there not be any time limitation, but he expressed his intention not to use more than 5 minutes and I accept his assurance.

Mr. HELMS. If I use 5 minutes and 10 seconds——

Mr. MITCHELL. There will be no objection.

Mr. LAUTENBERG. I do not want to be discussing this while we use valuable time. Since the Senator from North Carolina did state he did not intend to use more than 5 minutes, I thought that was the same as saying he needed only 5 minutes, but I guess I misunderstood. I have no objection.

Mr. MITCHELL. Madam President, I renew my request as modified.

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

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Madam President, I will be very brief. This has obviously been a very emotional time for me. I would like to start by praising the Lord for making this work the way it did. My mother used to always tell me that one of her favorites was, "The Lord works in mysterious ways his wonders to perform."

And, quite frankly, when I was sitting in the Judiciary Committee, I did not have a clue that this battle would ensue on this amendment at this time this afternoon. In fact, I have not even had lunch yet. I guess I can miss a few meals, but I had not anticipated this. I was going to stop over, vote and go get some lunch. That clearly did not transpire. What transpired was probably one of the most emotional moments of my career, if not my life.

After saying thanks to God for this result on this vote, I want to thank my colleagues for having the heart, having the intellect, having the mind and the will to turn around what, in my mind, would have been a tragic mistake.

I started trying to write out names of who to thank, and I do not want to be too windy because I only have 3 minutes. I want to try to get to the point. I did want to mention a few in particular.

When we were going through the vote the first time, Senator METZENBAUM

was down there in the well. He said, "It looks like you're going to lose." I said, "I can't believe that is going to happen." We worked hard and were defeated on the first vote.

But then as things happened and turned around, I want to say thanks to Senator HEFLIN for the graciousness and the grace and for just the spirit that he demonstrated, and the fact that a son of the Confederacy would stand with me on an issue like this says wonderful things about our country and it says wonderful things about the people in this body.

My friend, DIANNE FEINSTEIN, who literally stood here while I cried, and to Senator FORD who, when he saw that I was flailing around and going to take this floor and not give it up forever just kind of took on floor management responsibility and made this happen. And to my friend from across the aisle, Senator BENNETT, who from the very beginning said, "I can't do this," and he was there helping.

My friend, Senator CAMPBELL, who so eloquently spoke about his own experiences. And my senior Senator, PAUL SIMON; my chairman, JOE BIDEN, and to the people—Senator EXON—again, I do not want to leave out any names because so many eloquent statements were made this afternoon.

But I can tell you that I am going to sum up. As a student of history and mathematics, I have said this to people before. There is something called factor addition in mathematics that says you add forces working together, you subtract forces working against each other, and that, Madam President, is the message and the lesson of things like what happened here today, the lesson that if we work together as Americans, we will be the great country that this Constitution defines and our Declaration of Independence set out and that so many people hold so dear in their heart. We will be able to give pride and real meaning to that flag, the flag of the United States, that is the flag that we all love because we love this country and because we know that in its diversity is its strength.

So with that, I conclude my remarks.

I thank the majority leader, also, for his assistance.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I simply want to take a few minutes to share with the Senate the profound distress that I experienced during this last series of votes. It became clear after the first vote that this was a highly symbolic question and that the symbolism that we were supposed to vote on was how we felt about racism in America.

If there is going to be a symbolic vote on that question, I have to vote that racism in America is something that has to be absolutely condemned and there cannot be any question in anybody's mind as to how I feel about it. That is why I voted.

But I was almost sick to my stomach when I cast that vote, and the reason was that in order to prove in a symbolic way my feelings about how disgusting racism is, I had to tar with the brush of racism innocent people who are members of an organization, for whatever reason, that they feel strongly about and they feel dearly about and their motives have nothing to do with racism and nothing to do with approval of slavery.

There are plenty of people in this country who are proud of their heritage and who are members of the United Daughters of the Confederacy, or whatever the comparable organization is for the survivors of the Union, who are not racists. They are just proud of their ancestors.

I was reminded during this series of votes that on April 10, 1865, after Robert E. Lee surrendered at Appomattox, President Lincoln asked that night on the lawn of the White House that two songs be played by the band to the crowd that had gathered. One song was "Yankee Doodle" and the other song was "Dixie." I take it that if April 10, 1865, occurred today, we would be having symbolic votes on the floor of the U.S. Senate to the effect that the band should not have played "Dixie" on that occasion.

I hope the Civil War is behind us, and I hope that we do not have to prove our dedication to the cause of racial justice any more by rubbing it in the faces of those who, for perfectly innocent reasons, are members of either the United Daughters of the Confederacy or any other organization.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have been here 10 years now, and there have been few, if any, occasions in which the remarks of a U.S. Senator left the kind of impression that the comments made by Senator MOSELEY-BRAUN, of Illinois, have made because she touched the nerve of everybody who had the opportunity to hear what she was saying. She was reminding us that to salute that symbol was, indeed, a salute to racism. She articulated it so clearly, and if one wants to see what the effects were, one need only look at the vote count on votes two and three when repudiation and redemption took place as people examined their consciences.

What she did was very clearly and very loudly sound the alarm. She was the Paul Revere of this day to say, "Beware of what we are looking at, beware of racism, beware of the ugly sight of bigotry."

I do not attribute a sinister intention to everyone who voted differently, but there is no doubt in my mind that couched somewhere in this support to preserve that symbol was an intended reminder that there is an old tradition, a history that is revered and beloved.

Senator MOSELEY-BRAUN was so clear as she reminded us that people who bore her color were slaves, chattel, property to be sold and dealt with as they saw fit.

And so today I think the Senate has had an opportunity to rethink a decision that it earlier made. Once again, I say that I do not attribute a sinister meaning to every vote that was against the position that Senator MOSELEY-BRAUN took, but this symbol is a salute to a period that was a dark one in American history.

So I just want to say, Madam President, that I am proud of all of my colleagues this day, but particularly the Senator from Illinois, who has established herself as a voice to be heard on matters of fairness and equity in our society forever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am going to take 30 seconds and then yield to the distinguished Senator from West Virginia. I just want to join with others in commending the distinguished junior Senator from Illinois. This was a truly remarkable moment. She gave a wonderful speech.

I also want to associate my remarks with those who believe that those who voted differently are not racists. I do not believe they are at all. This is a question where people have made a different judgment call I think in terms of voting, and putting an imprimatur of approval on a symbol is something I was not comfortable doing at all because of the history associated with it. I do not question the sincerity of the people who belong to those organizations and do not associate their association with that organization as necessarily racist.

Let me yield, if I can, to the distinguished Senator from West Virginia.

Mr. BYRD. Madam President, I can understand the feelings of Senator CAROL MOSELEY-BRAUN and others on this question of the symbolism of the emblem of the United Daughters of the Confederacy.

I agree also with those historians who judge American chattel slavery as one of the most heinous crimes in American history, as it was in the history of Rome, who took as slaves defeated peoples, the Gauls, Ligurians, Illyrians, Germanic tribes, or whatever. When the Romans conquered a city, as a usual thing the conquered peoples were sold into slavery.

But I cannot agree with those who want to rewrite American history—and the Confederacy is a part of American history—by insisting that we erase the heritage of millions of Americans, the descendants of those men and women who believed in the Confederacy, sacrificed for the Confederacy, and died

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for the Confederacy, by blotting out all official recognition of the historical fact of the Confederacy.

The fulcrum of this debate is not racism. The fulcrum of this debate is not an attempt to injure the sensitivities of any racial group in our country.

The fulcrum of this discussion is, in fact, historical accuracy.

Many informed people believe that the 11 States that comprised the Confederacy stood on solid constitutional ground.

Abolitionist sentiment in the North changed the terms on which legal questions had originally been settled in the Old Union. John Brown's raid on Harper's Ferry, in what is now West Virginia, made a peaceful settlement of the slavery question nearly impossible.

Interestingly, only an estimated 5 percent of the population of the South owned slaves. Yet, hundreds of thousands of Southern men—most of them slaveless, and poor—answered the call of the Confederate government to defend the sovereignty of their States. In West Virginia, it broke down about 2 to 1, I suppose, with about one-third of the State supporting the Confederacy and the other two-thirds supporting the Union. Those men—brave and patriotic by their own rights, almost to a fault—are the ancestors of millions upon millions of loyal, law-abiding American citizens today.

In the classic Ken Burns Civil War series on public television, historian Shelby Foote recounted a discussion between a Confederate prisoner and his Yankee captor who asked the Confederate soldier, "Why are you fighting us like this?" To which the Confederate soldier replied, "Because y'all are down here."

That was not racism. That was not a defense of slavery. That was a man protecting his home, his family, and his people.

We are who we are today largely because of the War Between the States.

Americans of Southern heritage need not defend slavery in order to memorialize the legacy of which they are a part.

Nor should anyone need, in the name of historical revisionism and political correctness, to seek to rip out of our historical consciousness the symbolism that characterizes the real history of millions of Americans.

Madam President, I thank my distinguished friend from Connecticut for his characteristic courtesy in yielding to me.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I find myself highly regretful that the media have left the galleries and did not hear the distinguished and able President pro tempore of the Senate. He has stated the case precisely, and if he could have done that a bit earlier, some of the things that happened this afternoon would not have happened.

Be that as it may, I am proud of BOB BYRD and I refer to him that why because he is a fellow North Carolinian by birth, and he is the most exemplary authority on the United States Senate that I have ever known—and I have known a lot of Senators, having been here in the early 1950's before I came here as a Senator in January 1973.

I felt at times this afternoon, not very seriously, when I heard all of the condemnations of the insignia of the United Daughters of the Confederacy—I felt a little bit like Mrs. O'Leary's cow, when all I was trying to do was to restore a sense of fairness by the Senate to the United Daughters of the Confederacy. But the Senate rose above principle this afternoon when the specter of race was introduced by contrivance into the debate. Race should never have been introduced and would not have been except for the political rhetoric and partisan oratory that happened this afternoon.

I knew a remarkable Senator in the early 1950's when I was here administrative assistant to two North Carolina Senators—the Senator with whom I came to Washington died in office and Governor Umstead asked me to stay on awhile with the successor to Senator Smith. I shall never forget Richard Brevard Russell, whom everybody called Dick Russell, the Senator from Georgia. What a great statesman he was.

Senator Russell and I were talking abut the Senate one day, and I said, "Senator, it must be a matter of great pride to be a Member of the Senate." He said, "Most of the time. Most of the time." But, he said, "There are times when some Senators practice the world's second oldest profession."

I think some of that happened here this afternoon. Piety I guess is the word that describes some of the oratory this afternoon. My friend Chub Seawell, son of a Chief Justice of North Carolina, used to call it "piousity" in speeches he made.

I do wish—and I know it is not going to happen—that the media, for once, would make it clear it was not those of us on this side who introduced race into the debate this afternoon. It was a political ploy to escape responsibility for false pretense that should not have happened in the first place.

Let me given you an example of an inaccuracy. Some Senators would have you believe that this Confederate battle flag is on the insignia of the United Daughters of the Confederacy. Not so. I said over and over and over again that it was not so, but the other side pretended that the battle flag of the Confederate Army was on the insignia.

Here is the total insignia. No Confederate battle flag there at all. It's the first national flag of the Confederacy. Senator ROBERT C. BYRD is exactly right. What happened today, Madam President, was a major revision of history.

In response to the argument, heard over and over and over again this afternoon—to the point that I felt that I was going to throw up—let me quote a distinguished journalist, a Pulitzer Prize-winning editor, Paul Greenberg, who is editor of the Arkansas Democrat. Mr. Greenberg wrote about this issue not long ago. He was asking this question of the distinguished Senator from Illinois.

> What of the thousands of black soldiers who served under the confederate flag? Are they to be read out of the race? And it was not the Supreme Court of the Confederate States of America that declared Negro slaves chattel in 1887, but that of the United States, Roger B. Taney, presiding.
>
> Shall that Star-Spangled Banner, too, be denied congressional recognition?

Then Mr. Greenberg wrote:

> Beyond contentions over fact, the whole enterprise of using the dead and the cause they died for, Union or Confederate, in order to justify some petty meanness today wreaks.

Then he added:

> The generations that actually fought the war seemed to understand as much. Surely some of them cherished their bitterness, but the best and the most representative rose above it.
>
> Some never got the word. They still treat the war as a partisan cause, a rhetorical device, not the American tragedy it was—perhaps the greatest American tragedy.

That's an honest answer to the pious proclamations heard here on this floor today. The pious, self-satisfied Senators were not talking about the amendment that I offered—along with several other Senators, I might add. They were talking about some fabrication from their own minds for partisan political purposes. I say that without hesitation or fear of contradiction because what we heard on this Senate floor this afternoon was a political spectacle, and the Senate has been served poorly by it.

Madam President, I do not mind losing. As a matter of fact, I did not anticipate that we would win the first vote. But the turncoats who ran for cover for political reasons, who changed their position—well, it's kind of like Dick Russell said decades ago. Maybe they were indeed practicing the world's second oldest profession.

I yield the floor.

AMENDMENT NO. 611

(Purpose: To eliminate a family and medical leave requirement)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 611.

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

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

The amendment is as follows:

Beginning on page 166, strike line 19 and all that follows through page 168, line 8 and insert the following:

SEC. 113. REPORTS.

On page 168, line 16, strike "115" and insert "114".

On page 170, line 17, strike "116" and insert "115".

On page 175, line 16, strike "117" and insert "116".

On page 176, line 15, strike "118" and insert "117".

On page 179, line 6, strike "119" and insert "118".

On page 179, line 11, strike "120" and insert "119".

On page 180, line 1, strike "121" and insert "120".

On page 181, line 11, strike "122" and insert "121".

On page 181, line 20, strike "123" and insert "122".

Mr. CRAIG. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Madam President, community service and voluntarism are hallmarks of this Nation. So today, as we debate S. 919, I offer an amendment that I think speaks well to the issue of voluntarism. Since our beginning of this Nation, the spirit of voluntarism has guided Americans. It is not surprising that President Clinton's idea to establish a National Service Program has struck a popular chord amongst many Americans.

I, too, support voluntarism. In many ways, it is the voluntarism of this country that has produced our best work and resolved some of our greatest problems and dealt with some of the domestic issues that our Nation has struggled about. However, as we debate S. 919, I have grave concerns about this bill in general and the effect it will have on voluntarism, this American spirit that I talk about, and the cost to our very budget. How can voluntarism be so expensive?

In particular, I am concerned about the way this bill will challenge the very nature of the core and the spirit of what we have known historically as voluntarism.

A couple of years ago, Adm. David Cooney, who is head of a marvelous organization in this country of voluntarism, was visiting with me about his trips to the former Republics of the Soviet Union. They had asked him to come and teach them how to volunteer, because they knew if they were to become representative Republics, they had to have a private sector that knew how to volunteer and pick up some of the things that had once been, if you will, the business of the Government.

So he and his organization, with Easter Seals and all of those great efforts, went forward to say: Here is how you volunteer. Here is how you evoke the spirit of getting people to give of their time.

Yet, today, buried in the middle of this bill, is a provision extending family and medical leave benefits to volunteers in this National Service Program. Let me repeat that, Madam President. Buried in the bill, along with a lot of other things, is a program that says if you are a participant in this organization, after the second year, you can be extended family and medical leave benefits.

That is voluntarism? That is the new definition that Americans choose to put on the issue of voluntarism? I would hope not. That is why this amendment is before the Senate.

This is in addition to all of the other benefits, by the way, that we have included in some organizations like Peace Corps and VISTA, which I think all of us view as worthy programs. We have included such issues as minimum wage stipends and health care coverage now in this one, child care, and a $5,000 educational award which national service participants are eligible to receive.

Therefore, my amendment will strike the family and medical leave provision from the bill because I do not believe that it is necessary or appropriate to extend these benefits to national service participants.

As I mentioned, these benefits apply to the individuals in their second year of service in a 2-year program. In the second year, if the volunteer should choose or he or she should be eligible to take family medical leave for up to 3 months, after that leave period, the volunteer would then finish up his or her period of service.

What is wrong, if they are volunteers, with simply saying: I have an urgent family problem at home. I need to leave, and I will leave? That is what happens in voluntarism today across America. You do not ask the Government to compensate you because you are giving something of your all for the purpose of benefiting someone else in your community or in the Nation.

But in this new American definition of voluntarism, we are saying: No, we are going to provide for you if you choose to become a volunteer.

There are problems with providing family and medical leave benefits. Volunteers would continue to receive benefits—no stipend, but the health and child care benefits—during the leave period, giving them an extra 3 months of benefits during their service commitment. The expense is paid for by the Federal Government, as I have mentioned—the American taxpayer.

I think they are going to be excited about it, Madam President, when they find out they are paying for voluntarism in this instance and in this way. At a time when we are dealing with one of the most serious budget deficits in the history of this country, we add this kind of a provision.

The difficulty in dealing with the absence of voluntarism is left for the service organizations. This provision is a concept of a one-size-fits-all approach. It ignores the diversity of many of the volunteer organizations that would be covered inside this particular legislation. Small organizations have greater difficulty shifting or replacing employees, volunteers, and providing the required flexibility.

Some organizations simply would not hold positions open for what easily can be—despite the volunteers' best efforts—an unpredicted period of time in this particular situation or position. Many volunteers have unique and critical skills, and finding replacements and filling the gaps during a period of absence would be difficult and, in some cases, impossible. This is especially true in rural States like my State of Idaho.

The benefits offered under S. 919 are more lavish than many people in this country receive as employees—employees in the private sector, doing jobs they know how to do best. The sponsors of S. 919 argue that they are merely extending the same benefits to national service participants that are already provided to employees who qualify under the Family and Medical Leave Act. After all, they will say, participants will have to provide service for 1 year, just as employees must work for the same employer for 1 year before they are eligible for family or medical leave out there in the private sector from the legislation we passed this year.

These national service participants are not meant to be employees, unless this is some new form of Federal employment system. It is voluntarism. It is the promotion of that great institution of voluntarism and, yet all different kinds of definitions now take place.

The Family and Medical Leave Act, as embodied within this, takes on a different kind of meaning. There are volunteers—in fact, this bill makes several references to the facts that the national service participants are not considered to be employees for a variety of other reasons—an absolute contradiction of terms. We treat them as employees and provide them with family and medical leave, and then within the bill we say they are not, and we continue to say they are volunteers.

Who is kidding who? Madam President, who is kidding who with this? They either are volunteers or they are not. They are either employees of the Federal Government or they are not employees of the Federal Government. And if they are employees of the Federal Government, then they ought to be entitled to all of the benefits. They ought to be eligible for child care and health care and family and medical

leave. But they are not; they are volunteers. Why then the double standard?

In addition, the national service provisions are, by nature, extended to be only temporary volunteer positions. The maximum term of full-time service is 2 years—again, reference to temporary volunteers, not permanent employees, for which employees need the security of the family and medical leave.

In February, as I mentioned, we passed the Family and Medical Leave Act because we are afraid of some of the things that might occur out there in the private sector and we wanted to extend those kinds of protections to the employee. But here we are dealing with fundamentally different organizations—nonprofit organizations. Those who claim we need to provide family and medical leave benefits, to be consistent, should reexamine the intent of the bill and most assuredly the definition.

This is not an employment situation. We are talking about volunteers and nonprofit organizations. I am a member of the Family and Medical Leave Commission that we have created. We are going to be reviewing the impact of the Family and Medical Leave Act on the economy, the employers, and the workers of this Nation. The regulations for the Family and Medical Leave Act are not even completed yet. Before we extend the benefits to every nook and cranny of our society, Madam President, I really think we do need to have a better understanding of the effects of that legislation.

Madam President, S. 919 does not need to create smoke screens. It does not need to be called a volunteer program and then talk about employees or temporary volunteers and treat them like employees.

This is a Federal work program with some educational benefits—I hope a good many. If it is, then my amendment would not be appropriate. But it is, by definition, not. It is a volunteer program. That is why this amendment is offered in good faith, that those provisions should be struck, that it should be treated like other compensated volunteer programs and public service programs we have had, like the Peace Corps and VISTA. That is why this amendment is offered in the good faith that it is.

Let me also say, before I conclude, that there was an earlier vote in the day that I missed. I was speaking to a group of young people here on the Hill. This was an amendment that would ensure financial soundness of the Pell Grant Program and campus-based student assistance programs and place them in a higher priority of funding than this particular new program.

Had I been here on the floor at the time, I would have voted in support of that. It is important that we establish priorities, and I want the RECORD to reflect what my vote would have been. The reason I bring that up at this time is that we ought not to try to deal with apples and oranges here. We are dealing with what is known as a National Service Program. It is a volunteer program, by definition, and that is why my amendment is appropriate.

I reserve the remainder of my time.

Mr. DODD. Madam President, I have been informed that my unanimous-consent request of some time ago actually was not entered into when we got off on a tangent. I will not ask for 30 minutes, unless my colleague from Idaho wants to. I ask unanimous consent for 15 minutes, whatever time is left, and that no second-degree amendments intervene. I make that request.

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

Mr. DODD. I apologize. I thought it had been entered into.

Madam President, first of all, let me say, like Yogi Berra, this is like "deja vu all over again." I thought I had heard the last of family and medical leave some months ago, and after 7 years and three different votes on the floor of the Senate, an override of a Presidential veto, we finally adopted family and medical leave legislation by the vote of 71–27, with strong bipartisan support.

I am not going to go into the entire arguments of family and medical leave legislation, obviously, with the time allocated here. Suffice it to say that I made the point over the years that family and medical leave was not a benefit but a right, a fundamental right, as distinguished between a dental plan or a few days of vacation, but the fundamental principle of human decency. People confronted with family crises ought not to be put in the position of jeopardizing their health care benefits or their employment. They ought to be able to deal with those crises and come back to their positions of responsibility.

We did not necessarily get into a lengthy division over here between being a volunteer or a full-time employee. In this case here we are talking about full-time volunteers, not somebody who is showing up a few hours a week to be a good citizen, to contribute to a church or charity, but rather, full-time volunteers and all that that entails. All of the provisions of the family and medical leave apply.

If you are not working at least 25 hours a week, 1,250 hours a year, full time, you do not get any of these benefits.

So as the Senator pointed out, it would not even begin to apply until the second year. If you are in your second year as a full-time volunteer and a family crisis hits, all we say is you can go deal with that, assuming you meet the criteria and the employer does, employing so many people, whether it is a voluntary agency or a paid agency or not, without losing your health care benefits. If you go, you run the risk of losing your health care benefits and, of course, you have to come back and complete the full 2 years or you do not get the educational benefits, which is also something.

So you have to come back and complete the 24 months that the bill requires. So to suggest that we are making some huge distinction—incidentally, VISTA volunteers will be included, and Peace Corps will not, because we do not cover them in this bill. I think they ought to. I called the Peace Corps and asked, "What have you dealt with over the years, prior to dealing with the family and medical leave legislation, when volunteers"—and I was one and, thank God, I was not confronted with a family crisis, but I knew people who were, and they went home and dealt with the family crisis, and the Peace Corps allowed them to come back and maintain their benefits. That was before we adopted the legislation.

So, historically that has applied, and I think a strong case can be made when we talk about the reauthorization of the Peace Corps we do not apply it. This will cover VISTA and full-time volunteers involved in the program.

Some people are totally opposed to family and medical leave. I understand that. We had a long debate about whether or not there ought to be family and medical leave policies. One of the arguments—in fact, it was the Senator from Iowa [Mr. GRASSLEY] who strenuously made this point, and he was right. He said, you know, you guys in Congress want to go around and apply these programs to everybody in the private sector but do not want to apply them to people in the public sector, in Government. You want to exempt them.

What we are doing in a sense in the program, if we adopt the program—it is already in the private sector—is to have family and medical leave, but if you are a paid volunteer, a minimum wage volunteer, in this case you are going to be exempt. Even before family and medical leave has become law—in effect, it is law, but does not go in effect until 2 weeks from today, August 5, which will be the first day. We do not know, but we have already carved out exemptions if this amendment is adopted.

We think people under those circumstances ought not to be treated differently than someone else. Again they are not part-time volunteers. They have to meet all the criteria, 25 hours a week, as I mentioned, at least full-time, or requirements of full-time, 1,250 hours for 12 months, and the like.

Again, the danger here is that the benefits, of which we contribute 85 percent, will be not lost and that a person has to come back and complete that service before they would meet the full

2-year, 24-month requirement and to qualify for the educational benefits.

So, again, I have heard over the last number of days a number of speeches here on the floor beginning the crescendo of family and medical leave once again. But before we decide this is not working, I point out there have been a number of articles written over the last several months suggesting that family and medical leave has been rather effective with employers who have adopted the policies, as many had on their own a fraction of the workforce that was covered by the provisions.

Again, to go back, the basic principle here is a right, the right to be with our family. A child is seriously ill or your spouse is, you ought not to lose your job, you ought to be with them. You do not get paid but you maintain your benefits.

In fact, the Presiding Officer in this Chamber today was the author of the family and medical leave legislation in her State and fought for it for years before it became law. So I am preaching to the choir, in a sense, when I address the Chair on this issue. But we spent a long time in a strong bipartisan way, and it never would have been adopted had it not been for people like KIT BOND of Missouri, DAN COATS of Indiana, and others, who worked to try to make this bill a good bill so we cover all the situations that we possibly could think of.

Now, after a vote of 71 to 27 only a few weeks ago, they come and start to undermine and start to tear it out here on this legislation. I think it would be a great tragic mistake. If Senators are opposed to the bill, fine. Vote against the whole bill if you do not like the bill, but do not tell me that the bill only suffers because we include family and medical leave provisions here for the volunteers who will be out there working full time. They, too, are confronted with family crises. They, too, can have problems like that.

All we are saying here is if it is good enough for the private sector, we are going to impose that standard, we are going to impose it on ourselves and people in the public sector as well, and on a voluntary agency whether they be Government or quasi-Government or private; we will handle it all right and, by the way, the standards have been to be the same.

Madam President, I hope this amendment will be rejected.

I see my colleague from Kansas here, unless she wants to listen to the debate. The Senator from Idaho, and others, are coming over. We can wait a couple minutes.

At the appropriate time when we have completed the debate, I will move to table this amendment. But I yield the floor at this point.

Mr. CRAIG. Madam President, I ask the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 2 minutes; the Senator from Connecticut 6 minutes.

Mr. CRAIG. I am happy to yield to my colleague from Kansas.

Mrs. KASSEBAUM. Madam President, I rise in support of the amendment offered by the Senator from Idaho.

I really believe national service is a different situation. Certainly, the Senator from Connecticut was persuasive, as he has always been on the family and medical leave issues. However, I did not support family and medical leave when it was debated earlier this year, and I do not believe it is an appropriate benefit for participants in a volunteer service corps.

The Senator talked about the Peace Corps. As you know, those volunteers perform their service overseas.

However, I think when you are serving here in the United States, in a volunteer organization which offers all the benefits that S. 919 offers; that, the health benefits, the child-care benefits, et cetera then adding family and medical leave on top of these benefits, goes far beyond the scope of a community service corps.

Mr. President, I add again my strong support to the amendment of the Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Kansas for that statement.

Let me say in closing, I do not think the intent of this legislation is to rewrite Webster's definition of voluntarism, but that is exactly what is going on.

My colleague, who is expressing opposition, constantly referred to the employee. These are volunteers. These are not full-time employees. If they were I would be speaking differently today.

Yes, I am in opposition to this legislation. I do not plan to hide behind this amendment at all. I do not believe we ought to be spending $10 billion in a $300 billion deficit environment. But that is neither here nor there.

What I am saying is, there has been a substantial change in what we are doing here. If a person is a volunteer, then let them step back from their voluntarism to go home and take care of their needs. That is understandable. That is the way it ought to be. Why should we put a burden on nonprofit organizations in a voluntary setting to try to deal with this?

So, I would suggest that although we do provide benefits and they do have necessary consequences in this area, we ought to say no, these are volunteers making a choice to do this. These not private-sector employees. These are not organizations for profits. These are nonprofits.

With that I yield the remainder of my time.

Mr. DODD. Madam President, I want to point out we are not talking about vacation time here, not someone who says it is a nice day, I am going fishing tomorrow; mind if I take a day off?

The family and medical leave covers crises, serious illness. This is not something you wish happens at all. For all full-time volunteers out there working in a situation and a crisis hits, we do have health care benefits here for the people covered under this program. There is a danger of losing those benefits, as would be the case under other situations. The fact that you are a volunteer or employee, it is unpaid leave.

The issue of being paid is not in question here because there is not any pay involved in either case. We are talking about if you are out there as a volunteer and working hard in North Carolina, or Kansas, or Idaho, or Connecticut, and all of a sudden the parent is taking care of the child or the spouse gets really ill and you have to be with them.

The question is should you be with them or not? And can you be with them without losing your benefits?

That was the essence of the debate that occurred several months ago. That is the essence of the debate. That has not changed. We are not talking about the part-time people.

So, the essence here has not changed by this fact, by being against the whole concept of family and medical leave. That I accept. And I understand people do not like that idea. But to say that this fact situation presented by this bill is fundamentally different covered on a right, not a benefit as we described in a earlier legislation, I think would be an incorrect characterization of it.

With that, unless there are others who wish to be heard on this, I move to table the Craig amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Connecticut to lay on the table the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—64

Akaka	Bond	Breaux
Baucus	Boren	Bryan
Biden	Boxer	Bumpers
Bingaman	Bradley	Byrd

Campbell	Inouye	Nunn
Chafee	Jeffords	Packwood
Coats	Johnston	Pell
Conrad	Kennedy	Pryor
Daschle	Kerrey	Reid
DeConcini	Kerry	Riegle
Dodd	Kohl	Robb
Dorgan	Lautenberg	Rockefeller
Durenberger	Leahy	Roth
Exon	Levin	Sarbanes
Feingold	Lieberman	Sasser
Feinstein	Mathews	Shelby
Ford	Metzenbaum	Simon
Glenn	Mikulski	Specter
Graham	Mitchell	Wellstone
Harkin	Moseley-Braun	Wofford
Hollings	Moynihan	
Hutchison	Murray	

NAYS—35

Bennett	Gorton	McCain
Brown	Grassley	McConnell
Burns	Gregg	Murkowski
Cochran	Hatch	Nickles
Cohen	Hatfield	Pressler
Coverdell	Heflin	Simpson
Craig	Helms	Smith
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Faircloth	Mack	

NOT VOTING—1

Gramm

So the motion to lay on the table the amendment (No. 611) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator KASSEBAUM next be recognized to offer a substitute amendment, on which there will be 1 hour for debate, equally divided in the usual form, with no other amendments in order prior to the disposition of her amendment.

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

AMENDMENT NO. 612

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 612.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. KASSEBAUM. Mr. President, this is the previous Kassebaum amendment revised and revisited. I would like to tell those who are listening at this moment why I am sending forward this substitute. I believe it offers us a very positive but restrained approach to a new program.

We have heard a lot of back-and-forth yesterday and today about national and community service. There is no doubt that there is widespread support for service. However, there are legitimate concerns about, I think, just how it is drafted about our being able to pay for it, and that it is a program that can be kept under control.

The substitute that I sent forward was discussed generally yesterday, but I would point out that this amendment differs by limiting the authorization to 2 years. The amendment will meet the following objectives:

One, it is a true integration of Federal service efforts into a single consolidated program. This would be phased in over a 2-year period of time.

It gives the States maximum flexibility to determine needs and priorities. My proposal would require that funds be allocated to local entities based on individual State plans, not on a single national plan. I believe it is important for us to encourage and give States that type of flexibility.

Perhaps most important to this proposal is the recognition of legitimate fiscal constraints and the need for a reasonable rate of expansion.

I really do not believe people have stopped to think about what we are doing with this proposal, S. 919. We are authorizing $400 million in new spending for a new initiative on top of the other programs which are already there. My amendment would limit the level of new spending to $100 million. It takes nothing away from existing programs such as VISTA or the Civilian Conservation Corps.

The amount authorized in the amendment which I have sent forward for the new national service program is $100 million per year for 2 years. This compares with the nearly $400 million which is authorized under S. 919.

S. 919, merely states an authorization level for 1 year, and then in the outyears—the second, third, fourth, and fifth years—such sums as may be necessary. That is really just a wide-open invitation for enormous growth in spending. I believe it is far better for us to take it in a measured manner so that we know what we are getting and we can assure that quality will be maintained in the program.

This amount, $100 million in the first year, would permit approximately 5,000 new full-time national service positions, in addition to the 20,000 such positions supported in current legislation. Those are already ongoing, existing programs that are incorporated in my legislation.

This is a fairly large amount of people to be performing service in communities in meaningful ways. I really believe that we are far better off and it is more realistic to support 5,000 new positions than the 25,000 positions created in S. 919.

I also believe that some experimentation with regard to the level of postservice benefits, prior to undertaking a full-scale commitment to a $5,000 educational benefit, is necessary and appropriate. I think there is agreement here that $5,000 is a sum that we are not sure is necessary for a postsecondary benefit.

What the American public wants today is for Congress to take responsibility when proposing new Federal programs and to be accountable for the moneys we spend on those programs.

I feel strongly that we have an obligation in the U.S. Senate to undertake any new program with the thoughtfulness and deliberation that is expected and required of us.

I yield the floor at this time to the Senator from Arizona, who would like to speak, for any amount of time that he wishes to consume.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in strong support of the amendment of the Senator from Kansas. I want to thank her for her dedicated, patriotic effort which she has been involved in for a long period of time. No one knows the details of this legislation better than the Senator from Kansas, and all of us are deeply appreciative of the incredible work she has done on this issue.

I want to say at the beginning, I hope that this amendment is adopted. I believe that if it is not, there are probably sufficient numbers of Senators on this side of the aisle who will engage in extended debate. I believe that it is a reasonable amendment. I believe it is one that is fiscally responsible and one which I think will respond to the wishes of the majority of the American people.

Mr. President, there has been some question about the cost of this bill. I rely upon the President's budget—this massive document right here—which shows investment proposals by agency. National service budget authority, $7.444 billion. That is for fiscal year 1994 through 1997. If we factor that on out an additional 2 years, it is $10.8 billion.

I do not know what the proponents of this bill are talking about, or where they get their numbers, but I know what the numbers were when this was initially proposed: $10.8 billion over a 5-year period. This is at the same time, at the exact same time we are in some room, somewhere in the Capitol—we Republicans are not even informed as to where that takes place—a group of Members of this body and the other body are together fining out how much we can raise the American people's taxes in the name of deficit reduction and increased spending.

It is almost a paradox that here we are on the floor of the U.S. Senate passing a piece of legislation that is going to cost the American taxpayers

an additional $10.8 billion, at the same time the President of the United States was on "Larry King" last night, telling the American people that he wants to cut spending and cut the deficit.

We cannot have it both ways. I am happy to say that the majority of the American people are interested in national service. I believe that voluntarism is a hallmark of this country and its citizens, but this is as much about community service as any other entitlement program that I have ever seen. This should be called not a national service program, but a national employment program because, as the Senator from New York will show, the cost per person of this program is not cheap. It is not only not cheap, but it is very, very expensive. It is far more expensive than anything that most people would contemplate when they talk about people who are engaged in national service.

In fact, based on the number of eligible participants in this program, it works out to a per-student cost of $16,000 in the first year, rising to $33,000 by 1997. This is another example of how people can take what is a good idea and turn it into a huge bureaucracy which comes from the taxpayers' pockets.

In addition to cost considerations, there are other problems associated with the legislation, which the Senator from Kansas has pointed out before.

First, it misdirects scarce education resources. Education benefits represent half the cost of the President's program, yet just 25,000 students will benefit from it at the outset; as many as 150,000 in later years.

This should be contrasted with a much lower cost of the Pell grant program, which provides benefits to over 4 million students at a cost of $5.4 billion. In addition, student loan programs provide benefits to 5 million students at a cost of a little over $2 billion. I do not think there is any doubt that the national service provides very little bang for a very big buck.

Second, the bill creates a new educational bureaucracy, which is the last thing we need. It establishes a new entity to oversee the Commission on National Service in Action. We simply do not need another bureaucracy to provide educational benefits.

Third, the bill is too restrictive. It kills program innovation at the State level by strictly prescribing national, not State, priorities.

Fourth, and important here, Mr. President—this program will likely turn into a Federal handout for the well-to-do. Anyone over the age of 17, regardless of family income, can participate in this program. The young people who are most likely to participate in this program are those whose parents can continue to subsidize them.

It befuddles me that we should be paying educational benefits to rich Americans when they can afford to do so themselves, and there is not enough money to go around to pay for the education of poor Americans. That is yet to be explained to me.

This amendment is clearly the prudent, reasonable approach. It establishes a much smaller scale program, just $100 million over each of the next 2 years. Not only is this more fiscally responsible, but it provides that Congress can have the opportunity to see how the program actually functions before throwing billions of dollars of taxpayers' money at it.

Mr. President, I repeat, I hope that Senator KASSEBAUM's amendment would be accepted. I think this legislation has been thoroughly debated in this Chamber. I think the views are very well known. I believe that there are sufficient views that are unanimous over here that this piece of legislation is an onerous burden on the taxpayers of America, a good idea gone bad as it wended its way through the various bureaucracies and committees in Congress, which went from a good idea of national service to a bill this thick.

So I urge my colleagues to accept this amendment, understand that the American people are tired of increases in spending. They want the budget cut. They do not want it increased, and they are certainly not interested in paying additional taxes in order to pay for a program that is estimated in the President's budget to be a $10.8 billion program.

Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield whatever time the Senator from New York would like to speak.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first let me commend the distinguished Senator from Kansas [Mrs. KASSEBAUM]. She has offered an amendment that makes sense. She has offered an amendment that says yes, let us put forth voluntarism. Let us let local organizations and the States have the opportunity to participate. Let us not build a huge bureaucracy that will not do what it is supposed to do, which is to reach out and bring in young Americans to volunteer on behalf of their country.

During his campaign President Clinton said, and I quote, "I wish to get as many people in service as we can." A laudable goal. I support it.

Let me suggest to you that the National Community Service Trust Act does not do that. It is a costly boondoggle that excludes people; that does not give them an opportunity to come in; that does not reach out to the poorest of the poor and bring them in.

And as I speak, Mr. President, I note the presence of a gentleman—Senator PELL—who has championed one of the great education programs. You want to help young kids, then double and triple the Pell grants. Put money in there. Reach out to millions. Do not get involved in building a huge political machine.

This bill is a turkey, an absolute turkey. Pell grants, $1,335 per student; let us double them. Let us reach out to more. If you want to help, that is how you help. You may not be building a political army, but if you want to help people, that is how you do it. And it is more effective.

Student loans; increase the amount of money that students can receive; let's help working middle-class families and the needy. That is how you do it—and it costs the Government only $416 per student. And do you know what, you reach a lot of people.

Here, look at the cost of the National Service Program under this bill: $22,600. Incredible. Incredible.

Why? Why 20 times more expensive than the Pell grants? Why 40 times more expensive than the student loans? And how many Americans does it reach? 25,000? 150,000?

Here is what the President said: "I wish to get as many people in service as we can get."

Well, I want to tell you, promises made, promises broken. That is what we have here.

Let us take a look at the cost of this program. It is going to cost $10 billion over 5 years. He gets 150,000 people involved. That is all. Where are you getting lots of people involved? How are you getting them involved?

Let us take a look at the Pell grants. There are 4 million students involved at a cost of $5 billion. Student loans, almost 5 million youngsters are involved at a cost of $2 billion.

And this turkey, that we should shoot, kill it now—this is born of the new program. This is spendasaurus rex. This is one of the eggs that has hatched. We did not kill taxasaurus, so we get more spending.

By the way, where are we getting the $10.8 billion? Does anyone know? Where are we getting it? Are we going to get it from veterans? Are we going to close veterans' hospitals? Because that is the budget it is in: the budget for Veterans Affairs, HUD, and other independent agencies. We are going to have to find $10.8 billion over the next 5 years. I want to know. Are we going to take it from the poor who need housing? Are we going to cut back section 8 programs?

Wait until the advocates find out. Wait until the veterans find out. Wait until veterans hospitals get cut back.

That is where the money comes from. That is the committee. I am on that committee. We have a tough enough time funding our programs now. Where are we going to get the additional $10.8 billion? Of course—raise the taxes on

small businesses. We have increased the gasoline taxes. But that was supposed to reduce deficit. This new spending is simply not in our budget—$10.8 billion more over the next 5 years.

That is $10.8 billion, by the way, for how many more people? 150,000? The President said, "I wish to get as many people in service as we can." I wish to help him keep that promise. But we are not going to help him keep that promise by building this huge political bureaucracy, and that is what it is. I am going to call it for what it is.

You only reach 150,000 students. Look at the cost: $22,000 per student. We have a better way. Senator KASSEBAUM puts forth a reasoned approach that will move us forward into a new era of service—without breaking the bank. We tell people we want to cut back spending. Then we have to reject the present bill and pass the Kassebaum amendment.

I say reject it because it does not meet its commitment to reach out and bring in as many youngsters as possible. How are 150,000 youngsters going to help? By the way, someone might say that is a start, that is 150,000. Well, if you are going to reach 4 million, do you know what the cost would be? Over $80 billion. Imagine that. If you were going to reach one-half million youngsters, you would be over $10 billion and you would reach one-half million, $20 billion for 1 million.

Do we want to bring youngsters in or do we want to build new political bureaucracies? Who are we going to bring in here? Are we going to bring in those in the wealthiest families? Are there any income limitations in this bill?

Let me ask my colleagues from Kansas. Do the children of millionaires come into the program? Is there any limitation? I ask my good friend if she is aware if there are any limitations on income, if you come, say from a family of $1 or $2 million in income?

Mrs. KASSEBAUM. No. There are no limitations on income. There are no limitations on age either. You could be 70 years old and be part of the program as well.

Mr. D'AMATO. If we want to sponsor voluntarism, I suggest we do it. I suggest if you came from a wealthy family then you should volunteer and you should not have to be paid. If we are talking about a small stipend to get back and forth, that is one thing. But, when we have benefits that are going to cost some $22,000 per individual, it does not make sense.

This bill is a turkey. We are afraid to say it. Do you know why? Because they put a nice label on it. It is like the old story about the emperor who had no clothes. Everyone saw it, but you were afraid, because if you said it, the court might turn on you. In this case, it is the court of public opinion. Do not say you are against community service.

I am for community service. But how dare we say this bill is going to bring in lots of people, loads and loads, hundreds of thousands, millions, when it is not? How dare we say we are going to help those who are disadvantaged when there are no limitations in this bill whatsoever, with regard to the income of beneficiaries.

What are we talking about here? We are talking about political correctness, where we cannot have the courage to stand up and say, My gosh, this thing is abysmal; $22,600 and we are only going to serve 150,000? It just does not make sense.

I could go on. I think my other colleagues would like to be heard. I hope we will have the courage to do the right thing. I hope some of my friends on the other side will have the courage to do the right thing. It is one thing to follow the leader. It is another thing to do so in the spirit of blind loyalty. You do not put yourself in a blind trust for your party and just march down that road. That is what is taking place these days. I do not see any independence. I cannot believe that my colleagues on the opposite side, not one of them or two of them took a stand to say this program costs too much and does too little. This program is a political boondoggle. This program does not advance the spirit of voluntarism and national service in America. And that is what it should be about.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes left.

Mr. KENNEDY. I yield such time as the Senator from Vermont would like.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I would like to try to enlighten my colleagues as well as interested others to what we are really doing here and why. In my mind, it is not in any way unfair or inappropriate.

What we are trying to do is two basic things. First of all, the primary emphasis on young people is to help individuals to be able to participate in a meaningful service to their country. Second, we are trying to create a system which will enhance their ability to advance their education. We are hearing that this program is something new or something we have not done before or that we have changed in some way. I served in the military, and I am proud of it. I also know, from my own experience, that the experience in the military has been an immensely worthwhile educational experience to millions of young people in this country.

As a result of the end of the cold war, we have begun to downsize our military. We have begun to downsize our expenditures in defense. But some of the victims of that downsizing are millions of young Americans who are now not having the opportunities they would have had if we had kept the military strength to present levels.

We have downsized the military as far as new young people coming into the military by 100,000 since 1986, since the cold war began. Therefore, we are no longer providing an educational experience to 100,000 people, especially to the economically disadvantaged and those with racial problems and discrimination that have benefited immensely from the service.

You may and should look at the National Community Service Trust Act, at least in part, as a way to provide an opportunity for those same young people in a different way; that is, community service or national service to help meet other national priorities. National defense was a priority. We all backed it, and young people came forward and helped us back it. We have other national priorities, not the least of which I think, and the most important one to me, is education. We have had study after study that has demonstrated that education in this country needs to be improved dramatically.

The national service program which we are creating is designed to do just that in two ways, in my mind, though a lot depends upon how the structure is finally implemented.

First of all, it will give young people an opportunity to enhance their own education through experience. Second, it will give them educational benefits which will help them before or after to be able to improve their education.

But now let us take a look at the cost of this program and the cost of the program we eliminated for those 100,000 individuals. The cost to the military of the 100,000 is basically $1.7 billion per year. That does not even include the educational advantages, which would be substantially more than that. What we are offering here is a program that would partially replace that loss but does not even come close to that expenditure of money.

So I think we cannot just look at dollars and cents. We have to look at national priorities and the impact upon young people. To me, this experience can be the most rewarding kind of experience both for the individual and for our society.

I point to the William Raspberry column which ran in the Washington Post by a young person who was very critical of the national service program. That individual said we have so many educational needs out there to be fulfilled. We need people helping in the schools, we need people mentoring, we need ways to give young people an opportunity to even get to a school.

Those are the kinds of programs I envision national service assisting. We must place our young people in the position where they can both contribute to our country, and give us the kind of educated young corps that we need in order to meet our country's critical needs like education and health care.

Comparing national and community service with military service is not

fair. When referring to the military you rarely hear about what enlisted personnel get paid nor do you hear about the educational value they receive. You just hear some comparison on perhaps the postservice education benefits. But a man serving 3 years in the military, with educational benefits and salary, costs about $65,000 per individual. An officer candidate receives about $89,000 considering salary, benefits, and educational award. In S.919, we are talking of costs much less than that, much, much less than that, for a new methodology to allow our young people to participate in improving the society.

So I think it is only fair that we keep things in balance.

We have created firewalls that do not allow us to take into consideration cuts in defense against what we could use in the domestic programs.

Well, those firewalls or barriers are coming down. In my mind, what I am going to dedicate myself to over the years I have remaining in Congress is to try and see that we raise the level of what we spend on education in this country at the Federal level. This would enhance those programs for which we are now mandating without paying. It would not interfere in any way with the curricular decisions or educational aspects of our young people in the schools, but it would provide funds and provide the opportunities that are available to allow our young people to maximize their education.

I think this country, which spends less than 2 percent of its national budget on education, cannot consider that it is a national priority if we do not move forward with programs like national service to see that we take care of those educational needs of this country.

So I am not taking a position, in a sense, on my colleague's amendment at this point. I believe we can, to satisfy the desires of our colleagues, set some spending caps on this over a period of time after examining the program. I am confident that this is going to be successful, and that we will want to expand it. I do not have a problem setting funding caps. We may disagree on the levels, but I hope we can move this along and find a compromise to make sure we do not kill something which I do not believe is anything but a program that will make us all proud in the days ahead. I urge my colleagues to find a middle ground on the funding levels, but do not destroy the program.

I mentioned yesterday that there was a change made. I offered an amendment that was accepted. One of the criticisms I had, and the William Raspberry column had, was that it was not focused; that we could end up spreading people throughout the country and never know what was accomplished; that we needed to establish priorities. My amendment yesterday mandates that priorities will be set so we can find out the value of the program.

So I think that problematical aspect of the bill as it was before, yesterday, is now gone. I believe it is important that we try to let people know what it is going to cost. I hope we can work toward a compromise, and I am dedicated to that.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I listened with great interest, as always, to my friend and colleague from Vermont, putting this whole legislation in somewhat of a different perspective, and pointing out that we have cut back on the numbers of young people that are actually going into the military, that would be serving in the Armed Forces of this country and might be able to take advantage of various educational programs. These numbers have been diminished and will be diminished over a period of time. That is going to have an impact on the young people in the inner cities and rural areas across this country—more young people with less of an opportunity for service for this country.

I know that some believe that it is only service if you are in the military. I think most of us who have had the opportunity to listen to many of these young people who have been involved in a wide variety of different undertakings in voluntary programs, whether they have been in the various corps programs, or whether they have been at universities, or in school-based programs, or even RSV programs, are impressed that service is not only in the military.

I have heard recently on the floor how we ought to put a means test on all of the service programs. Of course, we did not do that with the GI bill. We did not say, oh, my goodness, you served over there, overseas for a period of time, and then you came back and received a GI bill. What we said is you volunteered, maybe you served over there, or maybe you went to Alaska, or served in Hawaii, or stayed in New York City and worked in recruiting. Whatever you did, we did not means test you in terms of the GI bill. We said that if you serve America, you were able to receive that.

We do the same with the National Health Service Corps. If they serve and are willing to serve, there is going to be a certain amount of loan forgiveness in that particular program. What we have done here, which is not referenced by those representing the legislation, is that if an individual does have individual income, does participate in a service corps, does help to reflect the kind of diversity we have in our society, and then does have an independent income, then goes to the university, that that $5,000 is effectively added on top of their income, and they are taxed on whatever rate they pay. They are taxed.

So, in that sense, we are reaching those individuals who may be somewhat more fortunate in terms of their own income, but individuals who nonetheless want to serve. You know, there are some people that think that what we really need is sweat equity. Let us get the really poor people, so they are going to have to volunteer for these programs to be eligible. Let us get sweat equity out of those individuals, if we are going to do anything at all.

Others think that any kind of a service program ought to reflect what our society is about, the diversity in our society, and ought to be inclusive, not exclusive, and ought to have people trying to work together with common goals, aims, and common dreams. That is a very essential aspect of some of the most successful programs.

City Year, in my city of Boston has been referred to, is an absolutely spectacular program of voluntarism. It includes individuals that have graduated from college in the Boston area, many of our best colleges, and kids who have been dropouts, working together in a common undertaking. There are only 100 students, only 100 young individuals. But what the signal has been to the city of Boston has been extraordinary and far exceeds just that number of 100 individuals.

There is a program out there for the young who want to do something in terms of their community, who are tired of the violence, and tired of all of the substance abuse, and tired of all of the kinds of anguish and hopelessness, and they want to do something. That is out there, and maybe they can get in it next year. Anybody that has had the opportunity, as I have had—and I know my good friend and colleague from Pennsylvania has—of speaking at a graduation. You will never have a better opportunity as a person, not just as a politician, than being a commencement speaker for that program—looking out into the eyes of those young people and talking to them about their hopes and dreams, meet those families, their parents, many who are homeless. Perhaps it was the first opportunity, the first break that these young people got.

Sure, we say that service to the community is a priority and people want to do something. Service is a priority. And so we find, as well, that in all of the kinds of research that we have been able to do is what it has done in terms of the individuals who are participating in that program. It has been commented on by those who have been former Peace Corps members, those who have been involved in the ACTION and VISTA programs, Members of this body have spoken to that, what it has done to them internally—not on the

bottom line. It says right here, you know, $4.22; that is what it says here.

Sometimes there are values which do not necessarily come on the bottom line. We have to be concerned about the bottom line, but sometimes they do not come. And then for this body and this country to say education is important, someone that does provide service and works 40 hours a week at a minimum wage will then be able to at least have some opportunity. Maybe he cannot afford the top tuition at the top schools but, generally, in terms of the public colleges, may be able to go there for a year, with the completion of their service, for rendering some kind of service to that community.

We have not made the case on dollars and cents. If these individuals are out there and working in community corps programs and improving various projects out of those communities, we are not out here doing dollars and cents and how much that is really made. We could have, I suppose, and done an assessment and say that other studies have been done. The California studies, which I will put in the RECORD, show the value of having people pay the minimum wage and doing these kinds of projects.

We will be glad to put that in the RECORD.

But I am really amazed when I hear people talking about some new massive political corps.

I was looking over some of the projects in New York State, and I will include all the various excellent projects, and there are pages of them in New York State. Many of them have been triggered under the community service programs we passed 2 years ago.

There is the fact that over 30,000 volunteers, the RSVP programs. It cost the Federal Government 45 cents an hour to run those programs. There are tens of thousands of seniors who are doing something in their communities at 45 cents an hour. It is a big program, a big Government program out there—45 cents an hour.

There are all of the other programs that have been included in the various serve America programs and there are those high schools with those young people, starting with kindergarten, fourth grade, sixth grade, eighth grade that are putting in a few hours every week in trying to make some kind of difference. Those are the things we are interested in.

We have the other corps programs that have been referenced here, service to the community, in which they have an educational benefit.

What they are basically attempting to do is to offer that umbrella to young and old Americans who recognize that voluntarism should start at the earliest time of your life and continue to your dying day. There are so many wonderful seniors who do so much for so many people. We want to encourage them.

We have seen these really drops of light across this country when these opportunities have been there. We have a reasonably modest program.

I do not know how many times people have to try and distort the amounts of this program. That has been done constantly. There is no real desire to try and really find out what the cost is. We have been listening to those who have been opposed to the program.

For those of us who have spent a good deal of time, I would think any Member in discussing this would at least have the decency to quote the program either correctly and do a correct assessment of it, and that has not been done in terms of the numbers, and we have tried to address that in the debate and discussion.

Mr. President, finally, I want to say specifically with regard to this program why I would hope that the Senate would reject it. The old substitute of the Senator KASSEBAUM was $86 million for 1994 and $180 million for 1995.

Now we have $100 million for 1994, and $100 million for 1995. We have less than even the other initial substitute program.

We are glad to try and find some accommodation. The effectiveness of the Kassebaum amendment would be for 5,000 Americans. We are talking 25,000 Americans. I would be glad to suggest that we settle for 15,000 in the first year, try to double that the next, and then double that for the third year, and stop it if it is not working. That would be the hope we would have.

Now, if we cannot do it at that rate, then we should not do it at that rate, but we would be glad to set those at some kind of ceiling if that is going to be. But what we had hoped to do is start it and then see if that could not be extended to those levels the second and the third year, figuring that the Members would want to review a new program and do an evaluation, and those who are involved in the program would want to do the same.

Then we get criticized that we do not have specific numbers. We will try and have the more specific numbers. That was certainly the intention. I do not think anyone who had been involved in the discussion and the debate and the support had any other.

But we are now with a substitute which is actually less in terms of the program itself.

The fact remains—and I will just take a couple moments here—effectively of wiping out the action in the VISTA programs. I would welcome to be corrected by the Senator at any time. At least that was in the old bill.

Those programs, we understand, have to be blended together. We are hopeful of being able to do that in the 18-month period. There are important programs now given retirement, and others, that have involved certain of these programs that have been for 30 years that we have no control over and have to be dealt with in a responsible way.

So, we would welcome terminating all volunteer programs in the years and, in the meantime, trying to blend those together. That is our hope. That is our commitment.

But just to treat those programs which have been in effect for 30 years and do good work as this I think is a disservice.

The education grant is moved down to $1,500. We have $5,000 in the program that passed 2 years ago. And we have tried to maintain the $5,000. That is where this figure came from. That bill passed by 75 percent of the Members, 75 Republicans and Democrats, and then it reduces the authorization from 5 years to 2 years.

Maybe Eli Segal, who is the brilliant, successful private entrepreneur and a person of enormous intellect and managerial skills, could put this program on track in 2 years and develop the kind of support for it, and maybe if this was the final blocking element, that we could get the other kinds of numbers of authorization, I would say reluctantly let us go ahead, but I think it puts an incredible burden on it. I do not know of many bills around here that we have ever done just for 2 years. Maybe there are some that should have been. I do not know. I think in terms of trying to give it a fair evaluation, it would be enormously difficult to do so.

So, Mr. President, those are some of the principal concerns.

I have taken a good deal of time and I hope my colleague and friend, Senator WOFFORD, would speak on these issues, too. But if I have not stated the amendment correctly, I would welcome being corrected.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Senator WOFFORD has 6 minutes and 16 seconds, and Senator KASSEBAUM has 8 minutes and 35 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator.

Mr. WOFFORD. Mr. President, there are two processes that are at work here: As in life, the spirit of birth and the demon of death. The spirit of constructing something, building; and tearing down and destroying. Saying yes and saying no; living in the city of yes and the city of no.

The Senator from Kansas has been primarily living in the city of yes, constructive and thoughtful. She presented a long substitute amendment that we debated for 2 hours which was rejected by a vote of 59 to 38.

She has and some of her colleagues have also presented 15 other amendments, which we are shortly coming to, which we have worked out together and which will, on balance, I believe improve this act.

Senator KENNEDY has just suggested some ways of tightening the belt and starting a little smaller, but still with a bold and quantum leap that will give a leap of imagination to the American young people and the American families that came to put such hope in this program. That process. I hope, will go on and reach a successful conclusion.

But we had the other process. And I did not know why this amendment was coming back. It is essentially the same amendment except, instead of a 5-year authorization, it is a 2-year authorization; instead of a little less money, it is more the first year and a little less the second. But, essentially, the same amount of money. And substantially it is the same central proposition but, instead of starting with 25,000 full-time opportunities for service, it is to be 5,000. And instead of a stipend of educational voucher after the service, instead of $5,000, it is $1,500, which is what we debated before.

So why are we doing it again? I take it we are doing it again because the Senator from New York says the purpose, as he pit it, was kill it now. I do not know if he intends to go on to kill ACTION, kill VISTA, kill the Peace Corps; kill them now.

But this is a killer amendment. I want to get back to the constructive process that will proceed, when we turn to the 15 amendments that we are about to jointly accept, and get on and get a bill that will realize some of the hope, that will put us on the road of hope in this country, will show that we can break gridlock, that we can reach out on an idea that is not Republican or Democrat, as shown by the sponsorship of this bill.

This is a new program added on top of the other programs. There are already some 25,000 who are parts of these different community service programs, whether it is VISTA or the other ACTION programs. This is the new program.

While I do not speak with the same fervor as the Senator from New York, I believe he makes a very important point and he has the essence of what we are trying to say. It is just a very expensive approach to something I think can be better tailored and would be far more constructive in the long run for those who serve as well as those who pay for these initiatives.

I yield now to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, the distinguished Senator from Kansas has put it very mildly. Why do we bring up senior citizens and their volunteer efforts? We do not touch that. We do not harm those. As a matter of fact, we say they are the model, they are part of the 38 million volunteers of America who do labor in the vineyards because they care and they want to participate. They are not getting $22,000 a year. They do not have a superstructure. They are not part of a political boondoggle—and that is what this program is. It is a political turkey.

My colleague from Pennsylvania says we want to kill it. Well, that is right. We should kill this boondoggle. Pell grants we authorized at $4,600, but we only give them $2,300. We do not have the money. I say, give the money to the kids where it will help them. Give them Pell grants. Here is the President saying, "I want to get as many people in service as we can." All you can get is 150,000, and at what a cost.

My friend from Massachusetts says where do we get the numbers? This is the President's budget, the budget of the United States, page 1246. Let me tell you what it says for the first year, "$394 million for the first year." That is not my number, that is the President's number.

If you do not like it, it is too bad. What the Senator from Kansas is doing is saying let us cut spending and let us see to it we get the money to people who need it.

By the way, do you really mean to tell me you do not think we should have means testing? We have it for Pell grants, we have it for student loans, but we are not going to have it in this program. Why? I thought we wanted to help the needy. I thought we wanted to help young people who want to get involved, those youngsters who will not be able to join the military, as my friend pointed out. Then how do we justify no means testing for this?

How are we going to pay for this? Right now in the back rooms they are negotiating a budget deal, a tax deal, a spending deal. Where is the money going to come from, that $10.8 billion? If you read the bill it says, "such sums as may be necessary." Are we going to get it from HUD and Independent Agencies? Or take it from senior citizens housing? Are we going to take it from health care for our veterans, or maybe sewage treatment plants? Where is the money going to come from? Or are we going to take it from the taxes we are now raising on working middle-class families? Is that where we are going to get it? Or are we going to simply increase the deficit? It has to come from someplace, and we have not provided that money.

What we are doing is wrong and I commend the Senator from Kansas. She is not trying to kill a volunteer program. She is trying to set one in motion that is truly volunteer in nature and that is not a new, paid, costly program that gives us little bang for the buck. We want to try to reach as many young people as possible, not a privileged few. That is what this is.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator directed a question about where in this legislation we repeal the VISTA—the Foster Grandparents Senior Companion Program. It is on page 162. "In general the following provisions are repealed, parts A, B, C, of title I and title II, Domestic Volunteer Service Act of 1973."

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, just to clarify that point, my amendment provides for a merger and integration, not a repeal. As you know, the administrative costs for these existing programs are currently 20 percent. As a matter of fact, I would cap those costs at 10 percent. I think we would all agree these are moneys that really should go to the programs, not to the administrators of the programs. Those administrative costs just continue to grow and grow, and my amendment combines those administrative costs in order to achieve a more effective and efficient administration. And it is phased in over 2 years, so that integration can be accomplished. That is why the amendment is written that way. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 35 seconds, the Senator from Kansas has 2 minutes 38 seconds.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not want to take any time from the manager of the bill, but I think I have 5 minutes of leader time, if I might take just a couple of minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOLE. Mr. President, as this Senator said yesterday, and many other Senators, I think there are a lot of us who believe in the concept of national service. Some of us have demonstrated that in the past with our votes and activities. But I do fear, it has been pointed out tonight, starting some massive new spending program.

I notice the House today turned down the rule on the flood program because they are concerned about paying for it. We have the big economic package before us. On this side of the aisle, we are telling the American people it is tax and spend. Our colleagues on the other side are saying it is not tax and spend. But this is precisely what is happening. We are getting ready to spend—the President said $10.8 billion. We have not even passed the tax bill yet. That is taxes. Somebody has to pay for it. Here is $10.8 billion and I am not certain there is any way to control the cost of this program.

Mr. President, I do not think there is anyone in this Chamber who is not for

national service. The problem, however, is that we have different views on how to accomplish this goal. Despite these differences, it continues to be my hope that we can all come together and have a program that everyone can support.

Over the years, I have worked hard on promoting both national and community service. And I think I have learned a great deal from these experiences—both good and bad. I helped bring back the CCC, which by the way is having a great impact, and I was around to see the CETA Program disgraced. Which makes me concerned about hurrying into a comprehensive National Service Program.

In particular, I fear starting some massive new spending program. We all know that after we give it the green light, we have no way of controlling it. I also have misgivings about sanctioning a program that is so bureaucratic and prescriptive that it cannot accomplish its goals.

Unfortunately, all of these fears are realized in the so-called Kennedy service bill. And as I have said before, I will not support it. However, Senator KASSEBAUM's substitute provides a real opportunity to develop a more rational approach. It is not reckless, but cautious, and recognizes the pitfalls that will come if we rush blindly into this process.

For example, her proposal does not turn its back on existing Federal service programs, but streamlines them into a coherent package. It confronts unmet needs head on by creating 5,000 new service positions. This approach only makes sense.

Her proposal also demonstrates a commitment to our Nation's students, as it does not siphon off limited education dollars, such as Pell grant and work-study funding, to pay for an expensive new program. In the first year, here $100 million in new spending is 75 percent cheaper than the committee proposal, and because it has sunset provisions after 2 years, we will have control over future spending. The so-called Kennedy proposal has no such control and will cost an astronomical $10.8 billion over the next 5 years.

Finally, Senator KASSEBAUM's proposal funds an 18-month demonstration program to determine the most reasonable level of postservice benefits. No doubt about it, this approach is fiscally responsible. By not recklessly spending scarce tax dollars, it helps us meet our commitment to the Pell Grant Program and provides a sense of fairness to our dedicated military personnel who participate in the GI bill. Under the committee proposal, both needy students and soldiers will feel short changed.

Mr. President, Senator KASSEBAUM should be commended for her thoughtful alternative. It is a reasonable, cost-effective program that promotes the American people's desire to volunteer.

I certainly hope we could adopt the amendment of my colleague from Kansas. It is a thoughtful alternative. It is reasonable in cost, cost-effective, and promotes what we wish to promote and does it in a reasonable way, and that is the people's desire to volunteer.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 25 seconds. Senator KASSEBAUM has 2 minutes and 45 seconds.

Mr. KENNEDY. I yield myself 25 seconds, and 2 minutes to the Senator from Maryland.

I want to point out for the RECORD, in the President's budget, the National Service Program was put at $10.8 billion. That is not this bill. That is not the bill that was reported out of the committee. The bill reported out of the committee, according to CBO, is $1.2 billion for 3 years; $2 billion for 5 years. We are prepared to go for a 3-year authorization. So I think it is important that record be recognized.

I yield the remaining time to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I oppose the substitute offered by the Senator from Kansas, though I admire her tremendously for her work on both this legislation and her contribution to the Education Committee.

Mr. President, she is talking about authorizing $100 million this year and next year. I am the appropriator. I have already, for the last 3 years, funded this program at $75 million. This is only $25 million more. Why go through this whole authorization process for something I could do without the authorization?

And during that time at the funding of $75 million, no one complained about the wastewater treatment program, nobody complained about community development block grant money being chiseled out for this, no veteran felt that they were being shortchanged because of what we did on the Commission on National Service.

For the last 3 years, we have funded a commission, had a demonstration project in six States, and then to go to only 5,000 more volunteers, Mr. President, that is 100 volunteers more per State. That is not a national program. That is not only incremental change. That is snail's pace change; that is glacial-like change.

I will tell you, America's young people want to deal with the social deficit. They want to have an opportunity to get out there and work in their own community, sweat equity helping their neighbor and helping themselves. This is too skimpy and too pinch penny, and I hope it is rejected

The PRESIDING OFFICER. The Senator from Kansas has 2 minutes, 45 seconds. The time of the Senator from Massachusetts has expired.

Mrs. KASSEBAUM. I am sorry, how much time remains?

The PRESIDING OFFICER. Two minutes and 45 seconds.

Mrs. KASSEBAUM. Mr. President, I would like to make one comment in clarification to the Senator from Maryland and then yield the rest of my time to the Senator from New York.

The Senator mentioned $75 million which is already appropriated for the National Service Commission that we stated a couple of years ago. I am talking about an additional $100 million in new money for the national service programs created in this legislation. The $75 million for the Commission remains in place. The moneys that are already appropriated for all of the other programs remain in place. That is not changed. This is $100 million in the new money for the new programs.

I yield the rest of the time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, the Senator from Kansas has done us a great favor. If we start moving forward with a program in a new direction because we do not know—the proponents of this are even discussing at this point changes they are willing to make. Here we are talking about billions of dollars. They say, "Well, we will cut it back this much" or that much, but it is $22,000 per volunteer.

I have never heard of volunteers getting paid. I have heard something of seniors, 45 cents an hour, as the Senator from Massachusetts indicated.

Volunteers who come from families that are wealthy and they are going to get $22,000 a year in benefits? That does not make sense. Are we really talking about getting hundreds of thousands people involved? Well then, let us do it with a truly volunteer program, not a costly boondoggle. This is more spending. And where does the money come from? It either increases the deficit or it comes from the taxes that people are now being asked to pay. Working middle-class families are being asked to pay more taxes for a program of doubtful value. That is right, doubtful value.

There are 38 million volunteers in this country, and if you want voluntarism, let us encourage it. If we need $5 million, $10 million for administration—Points of Light which had 60,000 people volunteer and it cost $5 million—then let us do that, but let us not set up a whole big political army, and that is what this is. Oh, we have programs in New York, sure we do, but look at the value. They get paid little stipend, they go out and do volunteer work. Maybe it is just enough money for them to take the public transportation to the place they are volunteering. That is what we want.

The PRESIDING OFFICER. All time has expired.

Mr. D'AMATO. I yield the floor, and I hope we adopt the amendment of the Senator from Kansas.

Mrs. KASSEBAUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on——

Mr. KERRY. Mr. President, I ask unanimous consent that I may proceed for 60 seconds.

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

HAPPY BIRTHDAY TO ROSE KENNEDY

Mr. KERRY. Mr. President, I just want to call to the attention of the Senate the fact that this is the day of many birthdays. It is a day on which Massachusetts is celebrating a special birthday. We celebrate the 103d birthday of the mother of a President and two U.S. Senators. Rose Kennedy turns 103 today.

She has seen the best and most difficult times in life. She bears it all with remarkable strength and grace.

We wish her, Senator, who I know is sending 103 roses to his mother today, a great good will this day. We wish her a happy birthday.

Mr. KENNEDY. I thank my friend. [Applause]

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I ask unanimous consent to address the Senate for 30 seconds.

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

HAPPY BIRTHDAY

Mr. MITCHELL. Mr. President, since the subject of birthdays has come up, we should recognize that Senator DOLE today is 33 years younger than Mrs. Kennedy. [Laughter.] And that it is also the birthday of Senator ROTH and Senator HUTCHISON, I believe.

We ask all the Senators to join in congratulating them on this important day for themselves, especially our friend and colleague, the Republican leader. [Applause.]

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by Senator KASSEBAUM that makes the corporation representatives authorized by this legislation ex officio, nonvoting members of their respective State commissions on national and community service.

Under the legislation as introduced, these employees of the new corporation would be full voting members of each commission—equal in status to 7 to 24 other members appointed by the Governor from the general public including various consituencies for national and community service within each State.

This is a very simple amendment, Mr. President. And, yet it strikes at the very heart of a 1990's concept that links national and community service.

I support this amendment, Mr. President, because I believe it is consistent with the overall spirit of this legislation.

To encourage cooperation and collaboration between the State and Federal agencies responsible for national and community service.

But to do that in a way that respects the essential role that State and local communities must have in setting priorities and in being held accountable for the success or failure of these programs.

We established that precedent in 1990 legislation that the President's proposal now seeks to reauthorize. In that legislation we delegated authority to States to make subgrants to school districts under the ServeAmerica service learning program.

In my own State of Minnesota, 23 local communities have received ServeAmerica grants totalling $236,000; and another $150,000 went to Minnesota colleges and universities for service learning programs on those campuses and in those communities.

Let me say, Mr. President, that I am not opposed to the objective of the corporation representative positions created by this legislation.

In fact, I would personally like to see even more encouragement for cooperation and collaboration between programs now run by ACTION and the new programs that will be funded through State commissions on national and community service.

I believe it would be most efficient if, in most cases, the State ACTION office director would be the corporation representative offering a strong source of coordination between the new Federal corporation we're creating and the grantmaking agency in each State.

But, regardless, I believe the true spirit of this legislation would be better served if that individual were an ex officio, nonvoting member of the State commission—a resource, a source of expertise, and a liaison between State-Federal agencies—but not an equal voting member.

In fact, I would argue that, if the Corporation representative were to have a vote on State commissions, that vote would be unfairly weighted in comparison to the youth, community agency, education, and other representatives who serve in the same capacity.

At best, this relationship represents an unnecessary and cumbersome inconsistency with the bottom-up, grassroots spirit of this legislation.

At worst, it represents the potential for unwise Federal Government interference in the operations of a State grantmaking agency.

In either case, it represents a lack of faith in the good judgment and growing expertise of States in an area in which I am personally convinced that the Federal Government—not the States—has the most to learn.

One of my personal mentors on this subject, Mr. President, has been Wayne Meisel, a young man who grew up with my own four boys in south Minneapolis. Wayne was among the first group of members appointed by President Bush to the Commission on National and Community Service.

Wayne summarized the reality of how change occurs—and who should be learning from whom—when he recently wrote:

> Movements are not born in Washington, D.C. In fact, by the time they reach our nation's capital, they have already happened. The youth service movement is no different.

The movement Wayne Meisel is part of involves millions of young people and thousands of teachers and youth service workers all across the country.

They and their States and local communities are ready and willing and able to take on this new challenge.

There is no question that there must be close communication and coordination with the new national Corporation as this growing movement goes forward. The Corporation representatives authorized by this legislation can and should play an important role in achieving that goal.

But, to require that the Corporation representatives be full voting members of each State's grantmaking agency simply goes too far. It violates the true spirit of this legislation.

Mr. President, the Members of this body know that I am committed to passing this bill. I was the very first Member of my party to sign on as an original cosponsor. I have made numerous suggestions for improving the bill and most have been accepted.

I have opposed—and will continue to oppose—amendments that I believe violate the spirit of this legislation. I would not support this amendment if I did not sincerely believe it will make this an even better and more effective program.

This is not a matter of coordination, Mr. President. Its a matter of trust. I believe this amendment achieves both.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 612, offered by the Senator from Kansas. The yeas and nays have been ordered. The clerk call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—42

Bennett	Exon	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Grassley	Nickles
Chafee	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatfield	Roth
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner

NAYS—57

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Riegle
Campbell	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
DeConcini	Lautenberg	Sasser
Dodd	Leahy	Shelby
Dorgan	Levin	Simon
Durenberger	Lieberman	Wellstone
Feingold	Mathews	Wofford

NOT VOTING—1

Gramm

So the amendment (No. 612) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wonder if my colleagues will yield to me for a moment solely for the purpose of obtaining consent agreements on the disposition of legislation which we will be dealing with in the next few days.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by the Republican leader's staff that these agreements have been cleared on the Republican side and by our staff—that they have been cleared on our side.

I, therefore, now ask unanimous consent that at a time to be determined by the majority leader after consultation with the Republican leader, the Senate turn to the consideration of Calendar No. 147, H.R. 2348, the legislative appropriations bill, and the following amendments be the only amendments in order, including the committee reported amendments, with relevant second-degree amendments in order, with all amendments limited to 30 minutes, unless otherwise stated, to be equally divided in the usual form:

One hour on the bill to be equally divided in the usual form.

The amendments are:

An amendment by Senator MCCAIN regarding settlement account;

An amendment by Senator MCCAIN, a sense of the Senate dealing with the phone system;

An amendment by Senator MACK regarding mass mail;

An amendment by Senator MACK regarding technicals;

An amendment by Senator BURNS regarding Government printing;

An amendment by Senator HATFIELD regarding the Library of Congress;

An amendment by Senator STEVENS regarding OTA;

An amendment by Senator COHEN regarding committee funding;

An amendment by Senator BROWN regarding slush fund, 1 hour;

An amendment by Senator BROWN or his designee regarding across-the-board cut, 1 hour;

An amendment by Senator REID regarding mileage allowance;

An amendment by Senator REID regarding technicals;

An amendment by Senator REID regarding cut in allowance;

An amendment by Senator BYRD that is relevant; and,

An amendment by Senator HATFIELD that is relevant.

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

UNANIMOUS-CONSENT REQUEST—H.R. 2493

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 10 a.m. on Monday, July 26, 1993, the Senate proceed to the consideration of Calendar No. 146, H.R. 2493, the Agriculture appropriations bill, and that it be considered under the following agreement, with all amendments, except where otherwise noted, limited to 30 minutes and the time to be equally divided in the usual form, and that no further amendments to the bill be in order following the close of business on Monday, July 26, 1993:

Sixty minutes on the bill, including the committee amendments, to be equally divided in the usual form; and that, other than the committee amendments, the only first-degree amendments in order be the following:

An amendment by Senator LEAHY regarding wetlands reserve; an amendment by Senator DOMENICI regarding refinancing of FFB loans; an amendment by Senator COCHRAN in the form of a manager's amendment; an amendment by Senator MCCAIN regarding agriculture subsidies; an amendment by Senator DOLE regarding watershed conservation; an amendment by Senator BUMPERS in the form of a manager's amendment; an amendment by Senator BRYAN regarding wool and mohair; an amendment by Senator BRYAN regarding market promotion; an amendment by Senator BOREN regarding Agriculture Research Service; an amendment by Senator PELL regarding crop insurance; an amendment by Senator LEAHY regarding farmland preservation; an amendment by Senator BUMPERS that is relevant; an amendment by Senator BRYAN regarding Department of Agriculture cuts; an amendment by Senator COHEN regarding inspections; an amendment by Senator COHEN regarding subsidies; an amendment by Senator BURNS regarding SBIR; an amendment by Senator BURNS regarding Canadian wheat; an amendment by Senator HATCH regarding FDA user fees; an amendment by Senator BROWN regarding honey, 1 hour; an amendment by Senator CRAIG regarding biotech facility; an amendment by Senator BYRD that is relevant; and an amendment by Senator HATFIELD that is relevant; an amendment by Senator KASSEBAUM regarding FDA user fees.

I further ask unanimous consent that second-degree amendments be in order if they are relevant to the first-degree amendment, and that they be considered under the same time limitation as the first-degree.

Finally, I ask unanimous consent that any votes ordered during the Senate's consideration of the Agriculture appropriations bill on Monday be postponed and stacked to occur on Tuesday, July 27, 1993, beginning at a time to be determined by the majority leader, after consultation with the Republican leader.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to inquire about the FDA user fee amendment, the Hatch amendment.

Mr. MITCHELL. There are two amendments on user fees, one by Senator HATCH and one by Senator KASSEBAUM.

Mr. KENNEDY. Reserving the right to object, could I add then just a potential amendment—I do not know the substance of those user fee amendments—a second-degree amendment?

Mr. MITCHELL. This amendment permits second-degree amendments.

Mr. KENNEDY. I withdraw the objection.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I modify my earlier request with regard to the Agriculture appropriations bill in the following ways. That the date should properly be Monday, July 26, 1993. And, second, by adding the following four amendments: An amendment by Senator REID regarding the Rural Development Administration; an amendment by Senator REID regarding the tea testing boards; an amendment

by Senator SIMPSON regarding the REA; and an amendment by Senator KENNEDY regarding FDA user fees.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the prior agreement with respect to the legislative appropriations bill, which has previously been accepted by the Senate, be modified to provide that no further amendments be in order following the close of business tomorrow. That is, the amendments listed be in order but that they have to be offered tomorrow and that no amendments be in order following the close of business tomorrow.

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

Mr. MITCHELL. Mr. President, I thank the Republican leader for his cooperation with respect to these two bills.

What will now happen is that we are going to deal with the legislative appropriations bill tomorrow. We will start early, earlier than usual, and the precise time will be the subject of consultation between myself, the Republican leader and the managers. I will announce that following the vote coming up.

Those Senators who have amendments to that bill understand they must be present to offer them tomorrow. We are going to complete action on the bill tomorrow because no amendments will be in order following close of business tomorrow.

The same is true with respect to the agriculture appropriations bill on Monday. We are going to go to that bill at 10 o'clock on Monday. The only amendments in order to that bill are those listed in the agreement. But those Senators must be present and offer their amendments on Monday, because once we reach the close of business on Monday, no further amendments will be in order and the votes on those amendments—that is, to the agriculture appropriations bill—will be stacked to occur on Tuesday morning.

There will be no rollcall votes on Monday, but we will be in session all day. Any Senator who has an amendment to the agriculture appropriations bill must understand he or she must be present Monday to offer the amendment or they will not be able to offer them once we complete action on Monday.

Mr. DOLE. As I understand, it will be permissible for someone else to offer the amendment if someone is unable to be here. Someone else can offer that amendment for a Senator.

Mr. MITCHELL. We had not discussed that, but if that is requested by the Republican leader, certainly that is agreeable.

Mr. DOLE. It would get the result the majority leader wishes, and that is to complete the bill. I say to Senators who should be there but cannot be here for some unavoidable reason, then the amendment could be offered, I guess, by the managers on their behalf.

Mr. MITCHELL. That is agreeable, in light of the Republican leader's request.

Mr. President, I further want to say, and I want to repeat, we are going to start very early tomorrow, earlier than usual. The precise time I will announce immediately. Senators who have amendments with respect to the legislative appropriations bill should be present early to offer them, because once the time on the bill is used up, if no one is here to offer an amendment, why, we would then be in a position to proceed to third reading and final passage of the bill. We want to make sure Senators are aware of that and will be present to offer their amendments.

I hope that we can dispose of this bill in a relatively short time tomorrow morning so that Senators who have other commitments will be able to keep them.

The text of the agreements follow:

Ordered, That at 8 a.m. on Friday, July 23, 1993, the Senate turn to the consideration of H.R. 2348, the Legislative Appropriations Bill, and that the following amendments be the only amendments in order, including the committee reported amendments, with relevant second degree amendments in order, with all amendments limited to 30 minutes, unless otherwise stated, to be equally divided and controlled in the usual form:

Brown, relative to slush fund, 1 hour;
Brown, relative to across-the-board cut, 1 hour;
Burns, relative to Government printing;
Byrd, relevant;
Cohen, relative to committee funding;
Hatfield, relative to Library of Congress;
Hatfield, relevant;
Mack, relative to mass mail;
Mack, relative to technicals;
McCain, relative to settlement account;
McCain, relative to sense of Senate: dealing with the phone system;
Reid, relative to mileage allowance;
Reid, relative to technicals;
Reid, relative to cut in allowance; and
Stevens, relative to OTA.

Ordered further, That there be 30 minutes on the bill to be equally divided and controlled in the usual form.

Ordered further, That no further amendments be in order following the close of business Friday, July 23, 1993.

Ordered, That at 10 a.m. on Monday, July 26, 1993, the Senate proceed to the consideration of H.R. 2493, the Agriculture Appropriations Bill, with all amendments, except where otherwise noted,to be limited to 30 minutes, to be equally divided in the usual form, and that no further amendments to the bill to be in order following the close of business on Monday, July 26, 1993.

Ordered further, That there be 60 minutes on the bill, including the committee amendments, to be equally divided in the usual form, and that other than the committee amendments, the only first degree amendments in order be the following:

Boren, relative to agriculture research service (A.R.S.);
Brown, relative to honey, 1 hour;
Bryan, relative to wool and mohair;
Bryan, relative to market promotion;
Bryan, relative to Dept. of Agriculture cuts;
Bumpers, managers amendment;
Bumpers, relevant;
Burns, relative to SBIR;
Burns, relative to Canadian wheat;
Byrd, relevant;
Cochran, managers amendment;
Cohen, relative to inspections;
Cohen, relative to subsidies;
Craig, relative to biotech facility;
Dole, relative to watershed conservation;
Domenici, relative to refinancing FFB loans;
Hatch, relative to FDA user fees;
Hatfield, relevant;
Kassabaum, relative to FDA user fee;
Kennedy, relative to FDA user fees;
Leahy, relative to wetlands reserve;
Leahy, relative to farmland preservation;
McCain, relative to agriculture subsidies;
Pell, relative to crop insurance;
Reid, relative to Rural Development Administration;
Reid, relative to Tea Tasting Board; and
Simpson, relative to REA.

Ordered further, That second degree amendments be in order if they are relevant to the first degree amendment and be considered under the same time limitation as the first degree.

Ordered further, That any votes ordered during the Senate's consideration of H.R. 2493 on Monday, July 26, 1993, be postponed and stacked to occur on Tuesday, July 27, 1993, following the cloture vote on the committee substitute to S. 919, regardless of whether or not cloture is invoked, and in the sequence in which they were ordered.

AMENDMENT NOS. 613 THROUGH 625, EN BLOC

Mr. KENNEDY. Mr. President, I send to the desk a set of 13 amendments that have been agreed to by the managers and ask that they be considered, en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments numbered 613 through 625, en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 613

(Purpose: To ensure that the Act is not considered as an entitlement program)

On page 7, line 17, strike "The" and insert "Subject to the availability of appropriations, the".

On page 34, strike lines 14 through 16 and insert the following: ", taking into consideration funding needs for educational awards based on completed service. If appropriations are insufficient to provide the maximum allowable education awards for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules."

On page 72, line 4 insert after "available" the following: "to the extent provided for in advance by appropriation".

On page 72, line 20, strike "ability to claim" and insert "expectation to receive".

On page 78, lines 9 and 10, strike "to which the eligible individual is entitled" and insert the following: "for which the participant has earned".

On page 82, line 8, strike "qualified" and insert "scheduled to receive".

AMENDMENT NO. 614

(Purpose: To eliminate certain duties of service-learning coordinators under service-learning programs)

On page 94, strike lines 3 through 25.

On page 95, line 1, strike "(c)" and insert "(b)".

On page 164, lines 3 and 4, strike "subsection (a)(3) or (b) of section 111" and insert "section 111(a)(3)".

AMENDMENT NO. 615

(Purpose: To eliminate a volunteer leader stipend)

On page 258, beginning on line 14, strike "The Director" and all that follows through "volunteers." on line 21.

AMENDMENT NO. 616

(Purpose: To eliminate a requirement that ACTION provide technical assistance to other nations)

On page 273, lines 13 through 15, strike "organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries." and insert "organizations.".

AMENDMENT NO. 617

(Purpose: To eliminate certain local application requirements with respect to service-learning programs)

On page 91, line 6, strike "114(d)(5)(B)" and insert "114(d)(1)(B)".

On page 94, line 16, strike "projects;" and insert "projects; and".

On page 94, line 21, strike "opportunities; and" and insert "opportunities".

On page 94, strike lines 22 through 25.

Beginning on page 106, strike line 21 and all that follows through page 109, line 2 and insert the following:

"(a) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

On page 109, line 3, strike "(5)" and insert "(1)".

On page 109, line 22, strike "(6)" and insert "(2)".

On page 122, line 21, strike "114(a)(5)(B);" and insert "114(d)(1)(B);".

On page 133, line 15, strike "114(d)(5)(B);" and insert "114(d)(1)(B);".

AMENDMENT NO. 618

(Purpose: To eliminate certain application requirements with respect to higher education service programs)

On page 132, strike line 12 and all that follows through page 133, line 20 and insert the following: "of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information.".

"(2) CONTENTS.—An application submitted under paragraph (1) shall, at a minimum, contain—On page 133, line 21, strike "(B)" and insert "(A)".

On page 134, line 10, strike "(C)" and insert "(B)".

Amendment No. 619

(Purpose: To eliminate certain local application requirements with respect to community-based service-learning programs)

On page 120, lines 6 and 7, strike "descriptions, proposals" and insert "information".

Beginning on page 121, strike line 21 and all that follows through page 123, line 13 and insert the following:

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

On page 123, line 14, strike "(4)" and insert "(1)".

On page 123, line 19, strike "(5)" and insert "(2)".

On page 124, line 3, strike "(6)" and insert "(3)".

Amendment No. 620

(Purpose: To eliminate certain State application requirements with respect to school-based service-learning programs)

Beginning on page 100, strike line 11 and all that follows through page 104, line 2, and insert the following: "may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;"

Amendment No. 621

(Purpose: To require that the representative of the Corporation for National and Community Service for a State serve as an ex officio nonvoting member of the State Commission of the State)

On page 185, line 10, strike "a voting" and insert "an ex officio nonvoting".

On page 224, line 20, strike "a voting" and insert "an ex officio nonvoting".

Amendment No. 622

(Purpose: To limit the number of individuals at an institution using national service educational awards to pay for costs incurred prior to the performance of the national service)

On page 81, strike line 16.

On page 81, between lines 21 and 22, insert the following:

"(iii) individuals using national service educational awards to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and".

Amendment No. 623

(Purpose: To limit the required provision of child care)

On page 68, line 5, strike "who serves" and insert "who needs child care in order to participate".

On page 68, line 7, strike ", including" and all that follows through "program" on line 9.

On page 259, lines 16 and 17, strike "part, including volunteers" and insert "part".

AMENDMENT NO. 624

(Purpose: To establish a rural community service program, and for other purposes)

On page 322, at the end of the committee amendment, inset the following:

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

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

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATION.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges

or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individual with disability and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representations from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

'(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178 DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

On page 4, in the table of contents, insert after the item relating to section 406 the following new items.

TITLE V—RURAL COMMUNITY SERVICE

Sec. 501. Rural community service.

Mr. MCCONNELL. Mr. President, this amendment establishes a Rural Community Service Program under title XI of the Higher Education Act (Public Law 102-325). I offer this measure on behalf of rural communities in my State, and all rural areas across America.

It might interest my colleagues to know that while an Urban Community Service Program is already authorized under this act, a similar program does not exist for rural areas. The urban program allows big city colleges and universities to use their skills and talents to address urban problems such as limited access to health care, unemployment, and crime.

Mr. President, these problems are about as unique to our inner cities as advertisements are to Sunday newspapers. While limited access to health care, unemployment, and crime are equally indigenous to the hills and hollows of Appalachia, college and universities in rural communities are not provided with a similar opportunity to solve their troubles as are their counterparts in sprawling metropolises.

A recent article in the Lexington Herald-Leader highlights some alarming trends that have occurred in rural areas over the past decade. For brevity's sake, I will summarize the article and its findings. First, young rural workers currently earn less money than their city counterparts. Rural incomes were highest in 1973 when workers earned only 78 percent of the average urban income; by 1987, the gap between mean income of rural and urban workers doubled.

Second, populations in rural counties drastically decreased during the 1980's. It is estimated that between 1980 and 1988, 500,000 people per year left rural counties. College educated residents were five times more likely to leave than those with high school diplomas.

Finally, rural Americans became poorer. By 1990, the rate of poverty in rural counties was 16.3 percent—22 percent higher than for cities. Areas that depended upon employment from the coal, agriculture, oil and timber industries were hardest hit by unemployment. Over the past decade, coal mining jobs decreased by 47 percent, and oil and gas employment is today half of what it was in 1980.

The amendment I am offering provides incentives for rural colleges and universities to work with private and civic organizations to solve pressing problems in their communities. I have outlined some of the particular rural issues these institutions might address, including: Work force preparation; rural poverty and education; health care access and prevention; problems faced by elderly and disabled individuals in rural settings; and rural development and farming.

Subject to the availability of appropriations, matching grants will be given to eligible institutions for a period of no more than 5 years. In addition, the Secretary of Education is directed to award grants in a manner that achieves equitable geographic distribution.

Because of the similarities between the Urban Community Service Program and its rural counterpart that I propose, it might be helpful to list some of the projects awarded under the fiscal year 1992 urban program:

California State University, the University and the City—Serving the Needs of Our Mutual Community: This is a project that addresses the immediate needs of urban communities in Los Angeles and San Francisco, including underperforming schools, minority business development, and conflict resolution. It is a statewide collaborative

effort led by CSU/LA, and involves a network of government agencies and private industries.

University of Louisville, Housing and Neighborhood Development Strategies [HANDS]: This project specifically targets the Russell neighborhood and the LaSalle housing project in an effort to alleviate poverty and develop self-sufficiency through a combination of programs emphasizing education, job and leadership training, and homeownership counseling. The program involves nonprofit community organizations.

Southern Connecticut State University, Neighborhood Youthbridge: This project is an intensive effort by seven post secondary schools, in collaboration with neighborhood-based organizations, to decrease school dropout rates, and improve low achievement levels.

Mr. President, as this legislation is identical to a bill I introduced last month—S. 1127—I would like to share with my colleagues several letters I have received in support of establishing a Rural Community Service Program.

Wage Powers, President of Northeast State Technical Community College in Blountville, TN, shared with me copies of letters he sent to his representatives on the need for such a program: "I recognize that rural areas do not have the heavy population concentration of urban areas, but the issues facing rural communities are just as real and important as those faced by urban communities. If rural areas are to be successful interms of economics, health, and education, we must direct attention to these issues in geographic areas that have often been neglected."

Richard Carpenter, president of Calhoun Community College in Decatur, AL, wrote:

If passed, this bill will provide incentives for rural colleges to work with other entities within the community to address communitywide issues and problems * * * the passage of this bill could increase significantly the contribution our colleges make to the development of our communities and States.

Lynn Willett, president of Muskingum Area Technical College in Zanesville, OH, stated:

Communities like Zanesville, Cambridge, New Concord, and Caldwell are reeling under climbing unemployment, outdated manufacturing processes, cutbacks in school funding, as well as the lack of economic development and work force preparation. Grant monies from S. 1127 would be used to form local consortiums for support planning, applied research, training, resource exchange, delivery of services and other activities designed to assist surrounding communities and their citizens.

Joseph M. Gratto, president of Potomac State College in Keyser, WV, said in his letter:

Rural poverty and problems don't attract much media attention. The public generally has the idea that rural like is idyllic, and that, too, is a factor to be overcome in trying to advance the interests of a rural constituency.

And finally, Dr. Deborah Floyd, president of Prestonsburg Community College in Prestonsburg, KY, wrote:

In my opinion, the proposed * * * bill has the potential to positively affect the entire region of Appalachia and beyond by empowering rural Americans with knowledge, skills, attitudes, and financial assistance to make their dreams and goals for a better, healthy, and prosperous life a reality * * *.

Mr. President, I strongly urge my colleagues to lend their support to my amendment.

AMENDMENT NO. 625

(Purpose: To modify the requirements and benefits of part-time service)

On page 62, line 22, strike "1,700" and insert "900".

On page 62, line 24, delete "not less than 1 year and".

On page 63, line 1, strike "not less than 1 year and".

On page 75, line 25, strike "service" and insert "full-time service as provided in section 139(b)(1)".

On page 76, line 4, add after the period the following: "Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time service as provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value equal to $2,500 for each of not more than 2 of such terms of service.".

Mr. KENNEDY. Briefly, Mr. President, this list includes a Domenici amendment clarifying that the bill does not create an entitlement to participate in the national service program; seven separate Kassebaum amendments to simplify the application procedures described in the bill; a Kassebaum amendment providing that the representatives of the corporation will only serve as nonvoting ex officio members of State boards; a Kassebaum amendment limiting the number of service participants in any single college or university; a Kassebaum amendment providing child care to be provided only to those participants who qualify on the basis of need; a McConnell amendment providing a rural service grant program; and a Mikulski amendment clarifying the criteria for part-time service participants.

I will support those amendments, and I hope that the Senate will agree to them.

Mrs. KASSEBAUM. Mr. President, I want to thank Senator KENNEDY and my Democratic colleagues for agreeing to accept several of my amendments to the National and Community Service Trust Act. The majority of these amendments eliminated the prescriptiveness of application contents, job descriptions, and other unnecessary details which are better handled in the Federal regulatory process than in the legislative process. In addition to shortening this bill by almost 15 pages, the elimination of these sections will save local national service programs a great deal of paperwork and permit the Corporation to more readily respond to changing administrative needs.

Another important amendment which has been accepted places limits on the number of individuals at an institution using national service educational awards to pay for tuition and other educational costs. The purpose of the amendment was to ensure that a cottage industry of trade and skills-training programs are not created specifically to tap into the higher education market by the potential of $5,000 in educational stipends. Unfortunately, this occurred when the GI bill was created, and I wanted to avoid a repeat of these reactions. Additionally, this amendment will prevent the temptation for eligible educational institutions to raise their tuition and other costs in response to a large number of their students having $5,000 or $10,000 in educational awards—and placing that school out of the financial reach for other students who do not have these awards.

I am especially pleased that several of my accepted amendments reduced the prescriptive nature of S. 919. For example, one of the amendments deleted a page-long description of the duties of a service-learning coordinator, right down to recruiting and supervising adult volunteers. Another accepted amendment deleted four pages detailing requirements for the contents of State or tribal applications and transferred responsibility for determining the required content to the Corporation. Still another accepted amendment deleted detailed specifications concerning the information that must be included in applications to States for school-based service-learning programs. Instead, it will allow the Corporation, through the Federal regulatory process, to establish standards for the information required.

Mr. President, I add that I am very appreciative of Senator KENNEDY, Senator WOFFORD, and the others who have worked hard to reach agreement on these amendments. I think it does help tighten up the bill. It seems to me that each of them addresses, in many ways, some aspects of the legislation that I thought were particularly egregious in one way or another, and that we could agree to.

I appreciate the effort that went into those amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 613 through 625) were agreed to en bloc.

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

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I personally thank Senator FORD, the chairman of the Rules Committee and the majority whip, for the excellent job he did today in managing on the floor what was a very emotional and controversial matter, the debate which was very intense. At a critical moment, with his usual skill, he stepped in and took control of the proceedings and guided the matter to a resolution.

I think it is the kind of leadership that the Members of the Senate looked for when Senator FORD was elected as the majority whip and the kind of leadership I and those of us who work with him daily come to expect of him.

I am very grateful to him, and I think all Senators owe him a debt of gratitude.

Mr. FORD. I thank the majority leader.

Mr. MITCHELL. Mr. President, I note the presence on the floor of the distinguished Republican leader and the managers of the bill and the distinguished chairman of the Labor and Education Committee.

We have had private discussions throughout the day among ourselves, and including the distinguished junior Senator from Kansas, on the current bill.

We have now been on the bill for a couple of days and have dealt with a number of amendments. I know that the distinguished ranking member, the junior Senator from Kansas, was disappointed that her substitute amendment was not adopted.

I would like, if I might at this moment, to inquire of the Republican leader whether under the circumstances we will be permitted to get to a final vote on the bill or whether under the current circumstances it will be necessary for us to file a cloture motion to terminate debate?

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I think if I were majority leader, I would suggest maybe filing a cloture motion. I am not certain what the final outcome may be, but there may be some negotiation between the two managers on some final resolution, but I think I can say to the majority leader that I do not believe we could accommodate the majority leader tonight or maybe even on Tuesday.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, accordingly, in view of the distinguished Republican leader's comments and based upon prior conversations we have had throughout the day on this matter, I now send to the desk a cloture motion on the committee substitute to S. 919, and I ask the clerk to state the motion.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing Rules of the Senate, hereby move to bring to a close the debate on the Committee Substitute to S. 919, the National and Community Service Trust Act of 1993:

Joseph Lieberman, Ben Nighthorse Campbell, Daniel K. Akaka, Barbara Mikulski, David Pryor, John Glenn, Harry Reid, Barbara Boxer, Wendell Ford, Russell D. Feingold, Dennis DeConcini, Tom Daschle, Carl Levin, Kent Conrad, Byron L. Dorgan, Sam Nunn, Edward Kennedy, Harris Wofford.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the committee substitute to S. 919 occur on Tuesday, July 27, at 10 a.m., with the mandatory quorum waived, that notwithstanding the outcome of the cloture vote, any rollcall votes ordered in relation to the agriculture appropriations bill occur after the cloture vote in the sequence in which they were ordered.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, is it the leader's intention that we would have the hour prior to the 10 o'clock vote for a debate equally divided?

Mr. MITCHELL. This agreement does not preclude that. I was going to discuss at a later time the possibility of any time. I think that is a reasonable request by the Senator, and I assume that our colleagues would not only not object but want the same thing, and, in fact, after I get this agreement, if the Senator would like, I would be pleased to make that request.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the hour between 9 a.m. and 10 a.m., on Tuesday, July 27, be for debate on the motion to invoke cloture on the committee substitute to S. 919 with the time equally divided and controlled by Senators KENNEDY and KASSEBAUM.

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

Mr. MITCHELL. Mr. President, I yield.

Mr. DOLE. Mr. President, if the majority leader will yield, when does he think the first vote might occur tomorrow morning? It is my understanding some of our colleagues may have left with the impression that it might not occur until around 9:10 or 9:15. I guess others did not have any specific notice.

Mr. MITCHELL. Mr. President, pursuant to a prior order, I was vested with the authority to determine, following consultation with the Republican leader, when we would proceed to the legislative appropriations bill. I made clear at the time I obtained the order that we would start at an early hour tomorrow, earlier than our usual starting time.

I have discussed it with the Republican leader and the two managers of the bill, Senator REID and Senator MACK. We are all in agreement on beginning at 8 a.m. tomorrow.

Now, I expect, following my discussions with the managers, that a vote could occur as early as 9 a.m. If there are Senators who have left under a different impression, I do not want to create any problems for them.

Is it the Republican leader's request or is he requesting that we indicate that no votes will occur prior to a certain time and what time would he regard as appropriate in that respect?

Mr. DOLE. We were just trying to add up the time now. We thought maybe 9:10 or 9:15 before the first vote. It may not be precise, but as I understand the Senator from Florida will offer the first amendment. There is a 30-minute time agreement. If they use the 30 minutes, plus the opening statements, it seems to me that might be about right, 9:10 or 9:15.

Mr. MITCHELL. Then, Mr. President, pursuant to the prior order I now state that we will proceed to the legislative appropriations bill at 8 a.m. tomorrow and on behalf of myself and the Republican leader I request of the managers that no vote occur prior to 9:10 a.m.

But I now state for information all of all Senators, and I ask their offices to make certain every Senator is aware of it, a vote could occur at 9:10 a.m. or shortly thereafter. I hope managers will attempt to schedule them at that time.

We are starting at the early hour to accommodate the interests of several Senators who have other committees, and we are going to complete action on the bill tomorrow. We hope we can do it in a reasonably short period of time so Senators will be able to leave to make other commitments.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. I think Members on both sides understand we have agreed to complete action on this bill tomorrow. Some of the amendments may be offered. We already had one Member withdraw two of his amendments on this side. That will help expedite disposition of the bill.

Every Member should know that the bill will be completed tomorrow. So if they have amendments that they feel

they must offer or want to offer they should be here because there are other Members, who particularly because of the problems in Midwest, many of the colleagues on both sides of the aisle want to leave at the earliest possible hour to get back to their home States.

Mr. MITCHELL. Mr. President, I want to reemphasize the point that the Republican leader has made. We really do want to accommodate Senators because, as he indicated, a number of them intend to return to the Midwest, where it is obvious their presence will be significant, as they assess the damage and prepare legislation to deal with that, and Senators could accommodate their colleagues by coming and either not doing their amendments—that would be preferable—or presenting them as soon as possible so that we can complete action at an early hour tomorrow.

I thank my colleagues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that the Senate go into morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection it is so ordered.

CONCERNING MRS. RICHARD NIXON

Mr. CHAFEE. A month ago this coming Saturday, I had the privilege, along with several other Senators, of attending at the Nixon Library in Yorba Linda, CA, the very moving funeral services for Mrs. Richard Nixon—Pat Nixon, as so many Americans remember her.

There were a series of excellent remarks, including those by Rev. Billy Graham and our leader, BOB DOLE.

The speakers stressed Pat Nixon's devotion to her family, her courage and tenacity in adversity, and her warmth and grace.

Although I did not know Mrs. Nixon intimately, I did participate with her in one particular event that gave me a chance to observe closely many of the traits that so endeared her to our citizens.

The occasion was the christening of the U.S.S. *California*, a nuclear powered cruiser, at the Newport News Shipyard on September 22, 1971, nearly 22 years ago.

At the time, I was Secretary of the Navy and Mrs. Nixon came to Newport News to perform the christening. She flew to Norfolk that morning and I was immediately struck by the fact that she had but one aide with her, as opposed to the large retinue that so often seemed to accompany VIP's that I had dealt with at other Naval ceremonies.

During the course of that day, which involved considerable moving about—from airport to shipyard, to country club for a luncheon, to airport again—Mrs. Nixon could not have been more helpful nor less demanding of all who were involved in the occasion. She clearly did not want any extra attention, nor to put anyone to extra trouble.

Mrs. Nixon was a joy to be with—lively, interested in all she saw, quick to accommodate herself to her duties and always thoughtful of others.

I was tremendously impressed and so grateful that I had those few hours with her.

Pat Nixon was a wonderful person and epitomized everything that the word "Lady" implies.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1347. An act to modify the boundary of Hot Springs National Park.

H.R. 2561. An act to authorize the transfer of naval vessels to certain foreign countries.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 22, 1993, he had presented to the President of the United States the following enrolled bill:

S. 20. An act to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1241. A communication from the Chairman of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Rules and Administration.

EC–1242. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC–1243. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the Presidential Public Funding Program; to the Committee on Rules and Administration.

EC–1244. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on the Natural Resource Development Program; to the Committee on Small Business.

EC–1245. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Persian Gulf Veterans Treatment Act of 1993" to the Committee on Veterans' Affairs.

EC–1246. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Philippine Veterans Currency Act of 1993"; to the Committee on Veterans' Affairs.

EC–1247. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Program Improvement Act of 1993"; to the Committee on Veterans' Affairs.

EC–1248. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Extension of VA Contract and Grant Authority in the Philippines Act of 1993"; to the Committee on Veterans' Affairs.

EC–1249. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to provide to employees appointed under that title protection from prohibited personnel practices; to the Committee on Veterans' Affairs.

EC–1250. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, relative to contract burials; to the Committee on Veterans' Affairs.

EC–1251. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on contract care and services; to the Committee on Veterans' Affairs.

EC–1252. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Veterans' Affairs.

EC–1253. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Federal Grain Inspection Service; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1254. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, a report entitled "Strategic Environmental Research and Development Program Phase II"; to the Committee on Armed Services.

EC–1255. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to

law, a report relative to the Department's Environmental Compliance Program for fiscal year 1994 through fiscal year 1999; to the Committee on Armed Services.

EC–1256. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC–1257. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation relative to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

EC–1258. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to the Republic of Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1259. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to the Republic of South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC–1260. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, report of a statement relative to U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–1261. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–1262. A communication from the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the report on status for the month of May 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–1263. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1264. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on community planning and development affordable housing programs; to the Committee on Banking, Housing, and Urban Affairs.

EC–1265. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of the financial audit of the Federal Deposit Insurance Corporation's financial statements for calendar years 1991 and 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC–1266. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Iraq; to the Committee on Foreign Relations.

EC–1267. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1268. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1269. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on Bonny Dam Modification Safety of Dams Program; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 2519. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–105).

By Mr. DECONCINI, from the Committee on Appropriations, with amendments:

H.R. 2403. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–106).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 557. A bill to combat telemarketing fraud.

By Mr. BIDEN, from the Committee on the Judiciary, with amendments and an amendment to the title and with a preamble:

S.J. Res. 92. A joint resolution to designate both the month of October 1993 and the month of October 1994 as "National Down's Syndrome Awareness Month."

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 95. A joint resolution to designate October 1993 as "National Breast Cancer Awareness Month."

S.J. Res. 97. A joint resolution to commemorate the sesquicentennial of the Oregon Trail.

S.J. Res. 99. A joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

S.J. Res. 102. A joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month."

S.J. Res. 111. A joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing and Urban Affairs:

Richard Scott Carnell, of Florida, to be an Assistant Secretary of the Treasury.

Alan S. Blinder, of New Jersey, to be a Member of the Council of Economic Advisers.

Arthur Levitt, Jr., of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 1998.

G. Edward DeSeve, of Pennsylvania, to be Chief Financial Officer, Department of Housing and Urban Development.

Joseph E. Stiglitz, of California, to be a Member of the Council of Economic Advisers.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Susan Gaffney, of Virginia, to be Inspector General, Department of Housing and Urban Development.

(The above nomination further referred to the Committee on Governmental Affairs for not to exceed 20 days, pursuant to an order of the Senate on June 17, 1993.)

By Mr. BIDEN, from the Committee on the Judiciary:

Walter Dellinger, of North Carolina, to be an Assistant Attorney General.

Charles Robert Tetzlaff, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. INOUYE, Mr. PELL, Mr. KERREY, Mr. KERRY, Mr. MOYNIHAN, Mr. DECONCINI, Mr. D'AMATO, Mr. SPECTER, Mr. DODD, Mr. JEFFORDS, Mr. WOFFORD, Mr. SIMON, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BUMPERS, Mr. BRYAN, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEVIN):

S. 1276. A bill to extend for three years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. DASCHLE, Mr. PRESSLER, Mr. DORGAN, and Mr. WELLSTONE):

S. 1277. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders, to require the Secretary of Agriculture to study the solids content of beverage milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1278. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 1279. A bill to provide the Secretary of Housing and Urban Development with flexibility to dispose of multifamily housing projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1280. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service, and for

other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. SASSER, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. STEVENS, Mr. COHEN, Mr. BOND, Mr. CRAIG, Mr. WELLSTONE, Mr. LOTT, Mr. THURMOND, Mr. FAIRCLOTH, Mr. FORD, Mr. METZENBAUM, Mr. COATS, Mr. DURENBERGER, Mr. LEVIN, Mr. MITCHELL, Mr. RIEGLE, Mr. ROTH, Mr. SHELBY, Mr. BURNS, Mr. DOLE, Mr. DORGAN, Mr. HEFLIN, Mr. HATCH, Mr. INOUYE, Mr. PELL, Mr. GLENN, Mr. HELMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. WARNER, Mr. BAUCUS, Mr. BUMPERS, Mr. SMITH, Mr. MOYNIHAN, Mr. SPECTER, Mr. DASCHLE, Mr. GRAMM, and Mr. NUNN):

S.J. Res. 115. A joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

By Mr. GLENN:

S.J. Res. 116. A joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. INOUYE, Mr. PELL, Mr. KERREY, Mr. KERRY, Mr. MOYNIHAN, Mr. DECONCINI, Mr. D'AMATO, Mr. SPECTER, Mr. DODD, Mr. JEFFORDS, Mr. WOFFORD, Mr. SIMON, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BUMPERS, Mr. BRYAN, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEVIN):

S. 1276. A bill to extend for 3 years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes; to the Committee on Foreign Relations.

LANDMINE MORATORIUM EXTENSION ACT OF 1993

Mr. LEAHY. Mr. President, the United States signed the convention to outlaw the manufacture, possession, and use of chemical weapons. We know what chemical weapons do. They do not distinguish between combatants and innocent victims.

I remember how outraged everyone was in this country when Saddam Hussein used chemical weapons against the Kurds. But I wonder how many people realize that all of the deaths from chemical, biological, even nuclear weapons are only a fraction of the number of people who have been killed or maimed by landmines.

What do chemical and biological weapons have in common with landmines? They do not discriminate. A landmine will blow the leg or the arm off of whoever steps on it. It does not make any difference whether it is a combatant, a civilian, older person, or a child.

Antipersonnel landmines, which are designed specifically to maim and kill people, have been used in dramatically increasing numbers around the world. Unlike other weapons, landmines often remain undiscovered for weeks, months, or years. Sometimes even after a conflict has ended, and people no longer remember what they were fighting about, active landmines are still there.

We have seen the horrifying photographs, photographs like this one of a child with his leg blown off. This child was not a combatant. This child just happened to be in an area where landmines were used, not just as weapons of war but as weapons of terror. And the terror, of course, was imposed not against the combatants but upon this young child who stepped on a landmine and had his leg blown off at the knee, and his arm blown off to the elbow.

Mr. President, I could show hundreds of photographs like this. We have seen what landmines did in Afghanistan where the Russians scattered millions of mines from the air. Hundreds of thousands of people—most of them civilians—have lost limbs, and huge areas of that country today are uninhabitable and will remain that way for decades.

In Cambodia, refugees are finally going home only to be killed or crippled by the millions of landmines that lie hidden in the jungle there. I spoke to one American who runs a program to make artificial legs. He told me "The mines in Cambodia are being cleared one leg, one arm, one life at a time."

The same thing is happening in Mozambique, where this boy lives. He lost both legs above the knee, in a country where he will probably have to earn a living at physical labor. He will walk on these artificial legs for the rest of his life.

Another victim of a landmine, an American, wrote about what happened to him in Vietnam. Let me read what he said:

> I was thrown violently through the air. When I threw my arms out in front of me, I saw in shocked amazement that my left arm was gone from above the elbow. A white splintered bone jutted out of a bloody stump of tangled and torn flesh. The flesh on my right arm had been blasted away from the elbow to the hand, and I could see both bones glistening white against bloody pulp.

The horror, the sheer horror, of that statement. But hundreds of thousands of people could say the same thing.

As many as 100 million landmines have been strewn in at least 62 countries. The State Department estimates there are more than 10 million in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia.

Think of the horror of living day to day in a country where at any moment you could lose a leg, or your life, or your child's life, because of these hidden weapons. Where any open field, or patch of trees, or roadside ditch is a potential death trap. That is a way of life for tens of millions of people around the world.

Today, advanced technologies are used to manufacture landmines that can be scattered by aircraft or artillery tubes, at a rate of more than 1,000 per hour. These mines are by their nature nondiscriminatory, because no one can be sure where they fall.

Four years ago, I started a special fund in the foreign aid program to send American doctors and prosthetists to aid landmine victims abroad. That program has enabled thousands of people crippled by landmines to walk again. But each year the number of landmine victims continues to grow.

I started that program, Mr. President, because I went to a field hospital in Honduras, where I met a young boy who had lost his leg from a landmine. When I asked him which side in the war had put it there, he did not know. What difference did it make? Both sides used landmines. But he was crippled for life, and he was living in the hospital because he had no place else to go. I started the War Victims Fund for people like that Honduram boy.

But I also felt something had to be done to stop this senseless slaughter. I sponsored last year legislation to impose a 1-year moratorium on the sale, transfer, and export abroad of antipersonnel landmines from the United States. The amendment became part of the defense authorization act, and it was signed into law by President Bush on October 23, 1992.

Today, I am introducing legislation to extend the landmine moratorium for 3 years.

I send to the desk and ask for the appropriate referral of my landmine legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. LEAHY. Mr. President, this legislation is sponsored by myself, Senators MITCHELL, DOLE, INOUYE, PELL, KERREY, KERRY, MOYNIHAN, DECONCINI, D'AMATO, SPECTER, DODD, JEFFORDS; the distinguished Presiding Officer, Mr. WOFFORD; Senators SIMON, LAUTENBERG, EXON, KENNEDY, MIKULSKI, RIEGLE, ROCKEFELLER, BUMPERS, BRYAN, HARKIN, FEINSTEIN, MURRAY, METZENBAUM, DASCHLE, BRADLEY, GRAHAM, FEINGOLD, and FORD.

Mr. President, as is noted by both the Democratic and Republican leaders of the Senate, this is not a partisan issue. It is an issue of humanity.

The landmine moratorium has two purposes. It shows that the United States intends to be a leader in stopping the spread of these insidious weapons. It will also strengthen the position of the United States to negotiate

stronger international limits on the sale, manufacture, and use of landmines by setting an example for other nations.

Since last October when the U.S. moratorium took effect, the response has surpassed our expectations.

The President of France announced that France no longer sells or exports antipersonnel landmines, and has called on other European nations to do the same. France has formally requested the United Nations to hold a conference to review the 1980 landmine protocol.

The European Parliament has issued a resolution calling on its members to impose a 5-year moratorium on sales and exports of antipersonnel landmines.

Members of the British Parliament have introduced a resolution calling for an indefinite British moratorium on exports, and for an international ban on exports.

Secretary of State Warren Christopher, testifying before Congress, expressed support for limits on the sale and use of landmines.

The International Committee of the Red Cross sponsored a conference on landmines, attended by representatives of governments including the United States, and nongovernmental organizations.

The American Committee on Red Cross issued a public statement condemning the horror caused by the indiscriminate use of landmines.

The Swedish Red Cross launched a campaign to stop Swedish exports of antipersonnel landmines.

Mr. President, people everywhere want to stop the killing and maiming of civilians by landmines. Our moratorium has showed that it is possible.

At least 300 types of antipersonnel landmines have been manufactured by about 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past 10 years, the administration has approved only 10 licenses for the commercial export of antipersonnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales Program of only 109,129 antipersonnel landmines.

Obviously, these sales are neither significant in terms of American jobs nor necessary for U.S. security. But they have terrible significance for the victims who are crippled for life, and for their families.

The landmind moratorium does not affect U.S. manufacture, or use of landmines by U.S. forces. Nor does it affect exports of antitank mines. But I would have introduced the moratorium even if it did, because we have to do more than just talk about this problem. The moratorium has given momentum to a global campaign to put limits on antipersonnel landmines, or to ban them altogether.

And it has put pressure on other countries that are exporting millions of landmines, even to our enemies. Thousands of sophisticated Italian mines with antidetection and antineutralization devices were discovered in Iraqi arsenals after the gulf war.

Ten years ago the United States joined 52 other countries in signing the landmine protocol, the only international agreement that seeks to regulate the use of mines to reduce their indiscriminate effect on civilians.

The protocol called world attention to the scourge of landmines, but it needs to be significantly strengthened. While the United States was actively involved in negotiating the protocol and is a signatory, neither the Reagan or Bush administrations forwarded it to the Senate for ratification. Apparently, the problems the previous administrations had were not with the landmine protocol itself, but with other protocols on the laws of war. The United States needs to ratify the landmine protocol so that it can play a leadership role in negotiating stronger limits.

The legislation I am introducing today states that it is the sense of the Congress that the President should submit the 1980 Convention on Conventional Weapons to the Senate for ratification, and I am pleased that the administration is reviewing the convention with that in mind.

It also calls on the administration to participate in a U.N. conference to review the landmine protocol, and actively seek to negotiate an international prohibition on the sale, transfer or export of antipersonnel landmines, and further limits on their manufacture, possession and use.

With France and other European countries pressing for a review of the protocol late next year, there is no time to lose. The administration needs to become actively involved in planning for the conference to ensure that the agenda covers the full range of issues.

Mr. President, in the Foreign Operations Subcommittee this year, Secretary of State Christopher testified about the "enormous number of deaths from landmines" and the need for "prohibitions or restrictions on their sale and use." I believe the administration will support this legislation, and will be a leader in the U.N. review conference.

Mr. President, I have spoken about this subject many times. I appreciate the support of my colleagues in helping me get the money for the War Victim's Fund. It was first used in Mozambique, and because of our great Ambassador, Melissa Wells, we have used it in many other countries.

I have visited the hospitals, along with my wife who is a registered nurse. We have seen the tremendous good that has been done with the War Victims Fund with little money but with dedicated American volunteers. They have trained local people to carry on the work of repairing the horrible damage and relieving some of the suffering caused by landmines.

Mr. President, I think you would agree with me—and I think most of the American people would agree—that it would be wonderful if there were no need to do it in the first place. Maybe we can make that day come.

Mr. President, I ask unanimous consent that the text of the bill and a fact-sheet on it be printed in the RECORD.

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

S. 1276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Landmine Moratorium Extension Act of 1993."

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10 million landmines in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1000 per hour. These mines, which are being produced by many industrialized countries, were discovered in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 109,129 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed

conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. The Government of France has made a formal request to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

SEC. 3. POLICY.

(a) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, further limiting the manufacture, possession and use, and eventually, terminating the manufacture, possession and use of anti-personnel landmines.

(b) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

SEC. 4. MORATORIUM ON TRANSFER OF ANTI-PERSONNEL LANDMINES ABROAD.

For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

SEC. 5. DEFINITION.

For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

LANDMINE MORATORIUM EXTENSION ACT—FACT SHEET

The Leahy bill extends the current moratorium on the export of anti-personnel landmines from the United States. The moratorium, which became law in October 1992, stems from a provision offered last year by Senator Leahy and 35 Senate cosponsors.

The moratorium does not affect U.S. manufacture, stockpiles or use of anti-personnel landmines, or exports of anti-tank landmines. The moratorium expires on October 1, 1993.

The Landmine Moratorium Extension Act now being offered by Senator Leahy and others would extend the moratorium an additional three years—a sufficient time to take into account the results of a United Nations conference on limitations on anti-personnel landmines, expected to begin in late 1994 or early 1995.

The United States signed, but has not ratified, the 1980 Landmine Protocol. The Leahy bill urges the President to submit the 1980 Landmine Protocol to the Senate for ratification, and to seek to negotiate an international ban on exports and further limits on the manufacture, possession and use of anti-personnel landmines.

What impact will the moratorium have on U.S. exports and jobs?

Exports of anti-personnel landmines from the United States have been insignificant. In the past decade, only 10 licenses have been approved for the commercial export of anti-personnel landmines valued at a total of $980,000. Only 109,129 anti-personnel landmines have been sold under the Foreign Military Sales Program during the past 10 years.

Several U.S. companies manufacture landmines or components for U.S. use. However, with the decrease in the U.S. defense budget, some manufacturers are seeking export markets for anti-personnel landmines. One manufacturer speculates that the potential foreign market for U.S. anti-personnel landmines could be $500 million over the next several years.

The number of American workers engaged in producing anti-personnel landmines for export is extremely small. Estimates of the number of potential U.S. jobs that could be affected by the moratorium have ranged from 30 in late 1992, to 1000 in April 1993, to 2000 in June 1993.

Why not include an exception in the moratorium for "self-destructing" or "self-neutralizing" mines?

Self-destructing and self-neutralizing anti-personnel landmines are the only types of anti-personnel landmines made in the United States that are offered for export. An exception for these types of mines would nullify the moratorium.

Such mines are scattered remotely by aircraft, artillery tubes, or other launching devices. They are therefore by nature indiscriminate and pose a danger to noncombattants. In addition, there is no way for civilians to know when self-destruct mines will explode, or if self-neutralizing mines are active. Thousands of Italian mines with anti-neutralizing devices were found in Iraqi arsenals after the Gulf War.

Estimates of the failure rate of self-destruct mines range from 2–10 percent. Thus, for every 10,000 mines delivered, 200–1000 may be defective. For self-neutralizing mines, the explosive charge remains intact and can be reactivated.

The purpose of the moratorium is to enable the U.S. to exercise leadership in negotiating stronger international limits on anti-personnel landmines by setting an example for other countries. It is unlikely that less developed countries that do not produce self-destruct or self-neutralizing mines would agree to limits on mines they produce while permitting the advanced countries to continue exporting more sophisticated mines.

Any exceptions for the manufacture, export or use of specific kinds of mines should be agreed to in an international negotiation on the Landmine Protocol.

Have any other nations taken steps to limit exports of anti-personnel landmines as a result of the U.S. example?

The French Government announced that it has ceased all sales and exports of anti-personnel landmines.

The European parliament issued a resolution calling on its members to adopt a five-year moratorium.

Members of the British Parliament introduced a resolution calling for an indefinite moratorium on exports from the United Kingdom, for the U.K. to ratify the Landmine Protocol and negotiate an international ban on exports.

The Swedish Red Cross launched a campaign for a moratorium in Sweden.

By Mr. DURENBERGER (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. DASCHLE, Mr. PRESSLER, Mr. DORGAN, and Mr. WELLSTONE):

S. 1277. A bill to equalize the minimum adjustments to prices for fluid milk under milk marketing orders, to require the Secretary of Agriculture to study the solids content of beverage milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MIDWEST DAIRY EQUITY ACT

Mr. DURENBERGER. Mr. President, I have been waiting for this day for quite some time because of the amount of work and effort that my staff and a lot of Upper Midwest farmers have put into developing what we call the Dairy Equity Act.

Probably one of the reasons why today's introduction of this bill is so special is that I have two wonderful spirits

from the State of Wisconsin who are very, very committed to getting this task done: My new friend, RUSS FEINGOLD, who is on the floor this morning, and HERB KOHL.

The bill, which will be called the Dairy Equity Act and will be numbered S. 1277, is designed to send a signal to the Department of Agriculture that we cannot wait any longer for them to take action. The Congress gave the Department of Agriculture until January 1, 1992—not 1993 or 1994—January 1, 1992—to make recommendations with regard to milk marketing order reform.

That was a year and a half ago.

They took thousands of pages of testimony. They sent hundreds of bureaucrats to cities across America to take testimony during the winter of 1991. But despite that, the Department has refused to offer any proposals for constructive change. So it is time for the people and the Congress to step in and bring fairness to our dairy farmers.

Federal milk marketing orders were authorized by Congress in the late 1930's as a way to establish pricing and other conditions to ensure that an adequate supply of fresh, fluid milk was available in all parts of the country, and also to establish fair prices for producers. In the 1930's, these were important. They were good objectives. Back then transportation systems were young technologies. Refrigeration in particular was a very, very young technology and there was a desperate concern for public health.

The General Accounting Office and the Department of Agriculture have both criticized the Federal milk marketing order system since then as being outdated, but they have never taken any action. Secretary Espy himself, during his confirmation hearings, gave us assurances that he would bring reform to this outdated system.

The 1990 farm bill gave us some hope that Midwest dairy producers would be able to compete on a level playing field with farmers in other areas of the country. But now, 3 years after the Senate approved the bill, the hope is almost completely gone. The Congress and the Department of Agriculture know what farmers need—fair milk prices. This bill will accomplish that goal. The Dairy Equity Act would level the playing field for all dairy producers.

First, the class 1 price differential paid to farmers for fluid milk would be set at a flat $1.80 per hundredweight in all milk orders. That would eliminate the unfair advantage Southern farmers have now over Midwestern producers. Dairy farmers in southern Florida currently receive a $4.18 per hundredweight differential compared to Minnesota's $1.20.

Second, the Midwest Dairy Equity Act provides for a study to determine whether we should increase the protein levels of milk through fortification with nonfat dry milk. I introduced the Healthier Milk Act earlier this year and that would raise the nonfat standards for fluid milk. Increasing the nonfat standards for milk is supported by the National Milk Producers Federation, the Older Women's League, the Osteoporosis Foundation, Western Dairymen United, and the Washington State Dairy Federation. Fortified milk would be better tasting for consumers and it would be more profitable for dairy producers.

The Midwest Dairy Equity Act is supported by Land O'Lakes, Minnesota Milk Producers, Wisconsin Federation of Cooperatives, and the Wisconsin Farmers Union.

Mr. President, this bill sends a clear message to the Department of Agriculture that they have failed to address the No. 1 concern of dairy farmers—Federal milk marketing order reform. Just as importantly, they failed to carry out the direction Congress gave it in the 1990 farm bill.

S. 1277, the Dairy Equity Act, would establish a fair price and a level playing field for farmers across the United States. I encourage my colleagues to join with me in support of this bill.

I appreciate the involvement and the interest of my colleague, Senator FEINGOLD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1277

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 shall be known as the "Dairy Equity Act".

SEC. 2. EQUALIZATION OF MINIMUM PRICE ADJUSTMENT FOR CLASS I MILK FOR ALL MARKETING AREAS.

(a) USE OF SAME PRICE.—Section 8c(5) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(5)), is amended—

(1) in paragraph (A)—

(A) in the third sentence—

(i) by striking "Throughout" and all that follows through "order involved), the" and inserting "The"; and

(ii) by striking "on the date" and all that follows through the end of the table in that sentence and inserting "shall be the same for each marketing area subject to an order and shall be $1.80 per hundredweight of milk having 3.5 percent milkfat, with a transportation surcharge determined by the Secretary to compensate handlers for the actual cost of moving milk within and between orders."; and

(B) by striking the fourth sentence;

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

SEC. 3. STUDY OF SOLIDS CONTENT OF BEVERAGE MILK.

(a) FINDING.—Congress finds that current standards for milk solids not fat contained in class I milk for fluid use produced in geographic areas covered by milk marketing orders issued pursuant to section 8c of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), are below the average levels of milk solids not fat contained in unprocessed fluid milk that is produced on farms of producers.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall—

(1) study the desirability and effects of fortifying class I fluid milk described in subsection (a) with additional nonfat solids, including consumer acceptance of fortifying the milk; and

(2) report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Mr. FEINGOLD. Mr. President, I rise in strong support of this bill, Mr. President, and strong opposition to the current milk marketing system which has astonishing inequities and creates very serious market distortions. I also rise to thank and praise the Senator from Minnesota for introducing this bill and for his leadership. I am glad to be an original cosponsor of this bill.

This bill would create uniform prices for class 1 fluid milk regardless of the area of the country in which that milk is produced. It creates an equitable and nondiscriminatory marketing system for milk. It makes sense.

The current order system is neither simple nor does it make sense. By law, prices received by farmers for fluid milk are lower in Eau Claire, WI, than in any other area covered by the Federal milk marketing orders. Florida producers receive a fluid milk differential of $4.18 per hundred pounds of milk, while producers in my State and Minnesota receive only $1.20. Most producers in South Dakota are not much better off, receiving a differential of only $1.50. This is, in part, because Wisconsin producers are efficient at producing milk and therefore they have a lower cost of production. Producers in Florida, and other areas of the Southeast, receive higher prices for fluid milk because it is costly to produce in those areas. Feed prices are high in the Southeast and production per cow is low.

Fifty-six years ago, when this system was put in place, it made some sense to use price differentials to encourage a local supply of fluid milk for consumers throughout the year. Fluid milk from traditional dairy States at that time could not be shipped to far away destinations without sacrificing shelf life and quality. We did not have the infrastructure for the efficient shipping of milk, and we did not have the technology we have today for condensing and reconstituting milk.

But 50 years of research, technological development, and investment in infrastructure have changed all that. Today we can take most of the water

out of milk while maintaining a high-quality product through a technology called reverse osmosis filtration. This technology, combined with improved transportation and refrigeration, makes supplying milk to distant markets a market reality.

Marketing orders, however, have simply prevented that from happening. The philosophy of our Federal order system is, unfortunately, to penalize the efficient producers and reward the inefficient producers. It does not make sense and it simply is not fair.

Mr. President, this system is not just inequitable, it is worse than that. This system is destroying the livelihoods of milk producers in the upper Midwest, and it is intolerable. Several studies, one by the USDA and one by the GAO, concluded that other regions were benefiting from Federal orders at the expense of the upper Midwest.

The single-base-point pricing system encourages milk production in markets distant from Eau Claire, WI, in excess of the local fluid needs of those areas. Their local, artificially induced surplus adds to the overall surplus of manufactured dairy products, displaces upper-Midwest products, and lowers the price of milk for our producers. The surplus also adds to national surpluses which, of course, depresses the price of milk and induces greater Government purchases at great cost to taxpayers and to dairy farmers.

Dairy farmers in the upper Midwest, Mr. President, have been so injured by this system that the Minnesota Milk Producers Association filed a class action lawsuit against the Secretary of Agriculture citing damages of lost markets, lost income, and lost farmers.

I had the chance as a Wisconsin State senator to offer an amendment at the State level, that was signed by the Governor, giving $50,000 from the State of Wisconsin to support this lawsuit several years ago. We are here today introducing this legislation as a show of support for those farmers who filed this lawsuit. The lawsuit is a courageous act by those producers to take on a system so established and so strongly defended by those who benefit so greatly by it. My best wishes and hopes are with those dairy farmers as they push forward for their very just cause.

This lawsuit is in essence though, Mr. President, an act of last resort. Producers in the upper Midwest tried to get the system changed through the lengthy administrative hearing process held in 1990. The ultimate decision made in the last hours of the Bush administration, though, was a slap in the face to upper Midwest producers. USDA merely tinkered with the orders. They did not reform the class 1 differential and USDA's rationale for denying the class 1 differential was that most of hearing participants, other than those from the upper Midwest, opposed such a change. Well, of course they did. They are the ones who benefit from this distortion.

The Congressional Budget Office estimated that the efficiencies gained by eliminating the Federal milk marketing order system would save U.S. taxpayers and consumers over $1 billion over 5 years by eliminating the market distortion.

Despite the budget savings of total elimination, though, that is not what we are proposing. It still serves a purpose for orderly marketing of milk. What we are proposing today is merely to eliminate the market-distorting differentials and replace them with one national-price differential for class 1 milk of $1.80 per hundredweight. It is as simple as that.

This bill is equitable, Mr. President. It makes sense, and it has the best interests of dairy farmers, consumers, and taxpayers in mind. And I, of course, urge all my colleagues to support it.

Mr. KOHL. Mr. President, it is my pleasure to rise today to join my colleagues in introducing the Midwest Dairy Equity Act, to make needed changes to the Federal milk marketing order system.

To many, these issues may seem obscure. But to the dairy farmers in the upper Midwest, the unfairness of the current marketing order system may be the difference between making it and not making it. The current system was originally instituted to encourage the development of milk production outside the upper Midwest, and to facilitate movement of fluid milk from the upper Midwest to deficit markets. In short, the system was purposely arranged to discriminate against the upper Midwest, in order to give a boost to dairy production and markets elsewhere. But with technological advances, and increases in productive capabilities nationwide, the reality of milk marketing has also changed. The system, in my view, must be brought up to date. There is no longer any justification for maintaining the regional inequities of this system.

A 1988 GAO report on the issue stated: "the premises for milk pricing under Federal orders are outdated. A need no longer exists to encourage and maintain a locally produced supply of milk." USDA's Economic Research Service independently reached similar conclusions regarding the outmoded nature of the system.

Yet despite these findings, the inequity has persisted. The Bush administration held nationwide hearings in the fall of 1990 to hear testimony on Federal milk market order reform. Most notably, testimony was heard on the need to reform the current practice of using distance differentials to determine the price of fluid milk. While the previous administration made some changes in the Federal milk marketing order system as a result of the hearing process, the unwillingness to address the fluid milk differentials was a glaring omission. This bill seeks to institute those changes that should have been made by the Secretary through the hearing process.

The Minnesota Milk Producers Association has also filed a lawsuit on this issue, charging that the current milk marketing order system unfairly discriminates against the upper Midwest. My colleagues and I fully support that lawsuit, and this legislation should serve as a testimony of that support.

Mr. President, it is my hope that this bill will initiate a dialog regarding the proper role of the Federal milk marketing order system. The system that was established to facilitate orderly marketing of milk is now outmoded, and has become an unnecessary source of regional disputes within the dairy industry.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1278. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

COLONIAL NATIONAL HISTORICAL PARK ACT OF 1993

• Mr. WARNER. Mr. President, I introduce legislation which would authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of the Colonial National Historical Park.

This bill would authorize the Secretary of the Interior to convey land or interests in land and sewer lines, buildings, and equipment used for sewer system purposes to the county of York, Virginia and to authorize the necessary funding to rehabilitate the Moore House sewer system to meet current York County standards.

The necessity for this legislation is evident based on the growing needs of the County and the limitations of the National Park Service's [NPS] ability to continue to provide sewer services to the local community.

In 1948 and 1956 Congress passed legislation which directed the NPS to design and construct sewer systems to serve Federal and non-Federal properties in the area of Yorktown, VA. In 1956, the NPS acquired easements from the Board of Supervisors of York County and the town trustees of the town of York. At that time York County was a rural area with limited financing and population. Now York County has a fully functioning Department of Environmental Services which operates sewer systems throughout the County.

York County has the personnel, the expertise, and the equipment to better

administer, maintain and operate the sewer system than NPS staff. Negotiations to transfer the Yorktown and Moore House systems have been ongoing since the 1970's when York County took over operation of the Yorktown system through written agreement between York County and the NPS and a grant of approximately $73,500 to improve the Yorktown system.

Because the NPS does not have the authority to transfer ownership of the Yorktown system to the county, this act of Congress will authorize the Secretary to complete the full transfer of ownership to York County.

York County is willing to take full responsibility for the Moore House sewer system, if the NPS will rehabilitate the system to county standards or pay the county to accomplish that work. A recent engineering study estimates that cost at $203,200.

Mr. President, this legislation would also authorize the acquisition of a strip of land along the Colonial Parkway near Jamestown which is needed to protect the scenic integrity of the parkway. This area has the narrowest right-of-way of any portion of the parkway; the park boundary in this area is only 100 feet from the centerline of the parkway.

The proposed acquisition would include one row of lotsadjoining the parkway in a rapidly developing residential subdivision known as Page Landing. Development of those lots would have a severe impact on the scenic qualities of the Colonial Parkway.

The Colonial Parkway was authorized by Congress as part of Colonial National Historical Park in the 1930's to connect Jamestown, Williamsburg, and Yorktown with a scenic limited access motor road. According to the 1938 Act of Congress, the parkway corridor is to be an average of 500 feet in width, and in most areas the roadway was built in the middle of this corridor. In the area between Mill Creek and Neck 'O Land Road, however, the parkway was built closer to the northern boundary to avoid wetlands placing the roadway very close to the adjoining private property in that location.

This is the only area along the parkway where the NPS owns only 100 feet back from the centerline of the road. The NPS owns 250 feet or more from the centerline in all other areas of the 23-mile parkway in James City County and York County. The existing 100 feet is not sufficient to provide proper landscaping and screening from development on the adjacent property, especially during portions of the year when leaves are off the shrubs and trees.

As I mentioned previously, Page Landing is being rapidly developed. While no lots adjoining the parkway have been sold at this time, almost all of the remaining lots have been sold and construction of the roadway to service the last phase of the development adjoining the parkway is underway. It appears that the sale and development of the remaining lots, which are located only 100 feet from the parkway, will occur in the very near future.

Mr. President, to ensure that the Colonial Parkway meets the same high scenic standards of the rest of the parkway it is imperative that this land should be purchased.

I request that a copy of this bill be printed in the RECORD.

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

S. 1278

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

SECTION 1. CONVEYANCE.

The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to grant within the county of York Virginia, perpetual easements, or a fee simple interest in land, including any improvements or structures, to the county of York, Virginia, without reimbursement, charge, or fee, subject to such conditions as are determined by the Secretary to be necessary for the protection of Federal interests, for rights-of-way through, over, or under the lands of Colonial National Historical Park, now or hereafter acquired, for the purposes of operating a sewage disposal system.

SEC. 2. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior in authorized to include within the boundaries of Colonial National Historical Park and acquire by donation, exchange, or purchase with donated or appropriated funds—

(1) the lands or interests in lands described as lots 30 to 48, inclusive;

(2) the portion of lot 49 that is 200 feet in width from the existing boundary of Colonial National Historical Park;

(3) a 3.2-acre archaeological site, as shown on the plats titled "Page Landing At Jamestown being a subdivision of property of Neck O Land Limited Partnership" dated June 21, 1989, sheets 2 and 3 of 3 sheets and bearing National Park Service Drawing Number 333.80031; and

(4) all or a portion of the adjoining lot number 11 of the Neck O Land Hundred Subdivision, with or without improvements.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

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

S. 1279. A bill to provide the Secretary of Housing and Urban Development with flexibility to dispose of multifamily housing projects; to the Committee on Banking, Housing, and Urban Affairs.

FHA MULTIFAMILY HOUSING FLEXIBLE DISPOSITION ACT OF 1993

● Mr. BOND. Mr. President, I am introducing today a bill called the FHA Multifamily Housing Flexible Disposition Act of 1993. This bill is designed to address a crisis in HUD's FHA Multifamily Housing Property Disposition Program by providing HUD with flexibility to dispose of an evergrowing inventory of FHA-insured multifamily housing projects which are acquired by HUD through either foreclosure or by assignment.

HUD testified before the Senate Housing Subcommittee on June 22, 1993, that the FHA Multifamily Housing Property Disposition Program is very costly to the Department and that section 203 of the Housing and Community Development Amendments of 1978 limits severely the ability of HUD to effectively and efficiently dispose of properties in its multifamily housing property disposition inventory. In particular, as of April 1, 1993, HUD owned approximately 189 multifamily housing projects with some 31,652 units and was mortgagee-in-possession for approximately 102 other multifamily housing projects with some 15,667 units. Moreover as of April 1, there were approximately 287 multifamily housing projects—42,738 units—in the pipeline awaiting possible foreclosure by HUD.

As a practical matter, HUD has construed section 203 of the 1978 amendments to require HUD to provide 15-year project-based section 8 assistance for most of the units in housing projects held by HUD in its multifamily housing inventory. These requirements go far beyond low-income housing preservation, and require, in general, new and deeper Federal housing subsidies for these projects. These requirements also result in the warehousing of the poor in multifamily housing projects. As we have learned from HUD's experiences in public housing, the warehousing of the poor in multifamily housing projects is a recipe for disaster, not only for the housing itself but also for the social environment of the residents. Already, the administration is proposing new approaches to mixed incomes and rent reform in public housing. I believe we should follow that lead in how we consider disposition of HUD's multifamily housing inventory.

HUD estimates currently that it would cost as much as $3 billion in 15-year section 8 project-based assistance to dispose of its current multifamily housing inventory. Moreover, HUD's multifamily housing inventory is expected to increase significantly so that the expected cost In 15-year section 8 project-based assistance for multifamily housing disposition could rise to as much as $10 billion over the next several years. These costs do not include the other costs that HUD may incur, such as the costs of maintenance, rehabilitation, and management. For example, for fiscal year 1992, HUD incurred operating and debt service expenses of about $248 million, which is paid for out of the general insurance fund. I am very troubled by these costs. This means that HUD has become essentially a Federal public housing agency

which pays for its low-income housing subsidies out of the FHA general insurance fund. I want to be clear that the FHA general insurance fund was never intended to operate as a low-income housing subsidy program. This is particularly troubling since the FHA general insurance fund is mandatory spending as opposed to discretionary spending, such required under the section 8 program.

The FHA Multifamily Housing Flexible Disposition Act of 1993 would, for 18 months, remove the requirements under section 203 of the 1978 amendments that HUD dispose of properties in the multifamily housing inventory so that units must be maintained as low-income for a period of not less than 15 years. HUD would, instead, have broad multifamily housing disposition authority.

HUD would, however, be guided by the following principles under the legislation:

First, to balance the need to reimburse the general insurance fund with the goal of preserving housing for low-income households;

Second, to provide housing to households with mixed incomes that are capable of paying the operating and debt service costs of the housing;

Third, to explore different approaches of disposing of the housing, including the use of Federal housing rental subsidies, Federal housing mortgage insurance, risk-sharing arrangements, purchase money mortgages, and low-income housing tax credits, or combinations thereof; and

Fourth, to maintain to the maximum extent possible the low-income character of the housing while disposing of the properties in an economically viable manner.

The legislation would require HUD to offer these multifamily housing projects first to local governments and State housing finance agencies. Moreover, local governments and State housing finance agencies could purchase these properties in conjunction with nonprofits.

Hud would be required to submit a report after the 18-month period which would describe the various methods of disposition and make recommendations.

I want to conclude by saying that my legislation is not intended to be a final solution, but rather to provide HUD with the flexibility to dispose of its multifamily housing inventory in a practical and responsible manner while balancing the need to preserve to the maximum extent possible the low-income character of the housing.

I have provided the following copy of the FHA Multifamily Housing Flexible Disposition Act of 1993 and ask that it be printed in the RECORD.

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

S. 1279

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

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "FHA Multifamily Housing Flexible Disposition Act of 1993".

(b) PURPOSES.—The purposes of this Act are:

(1) To balance the need to reimburse the general insurance fund of the Department of Housing and Urban Development through the disposition of multifamily housing projects with the goal of preserving housing for low-income households.

(2) To provide housing to households with mixed incomes that are capable of paying the operating and debt service costs of such housing.

(3) To explore different approaches to disposing of such housing, including the use of Federal housing rental subsidies, Federal housing mortgage insurance, risk-sharing arrangements, purchase money mortgages, and low-income housing tax credits, or combinations thereof.

(4) To maintain to the maximum extent possible the low-income character of such housing while disposing of such properties in an economically viable manner.

SEC. 2. AUTHORITY.

(a) IN GENERAL.—Consistent with the purposes set forth in section 1 and for a period of 18 months from the date of enactment of this Act, the Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") may dispose of multifamily housing projects that are—

(1) owned by the Secretary; or

(2) being foreclosed upon by the Secretary; without regard to the provisions of section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11).

(b) SALE TO LOCAL GOVERNMENTS AND STATE AGENCIES.—

(1) NOTICE.—

(A) IN GENERAL.—Within a reasonable period of time after acquiring title to a multifamily housing project, the Secretary shall provide written notice to—

(i) the unit of general local government the jurisdiction of which includes such project; and

(ii) the State housing finance agency, or other appropriate agency, of the State in which such project is located.

(B) CONTENTS.—The notice provided under paragraph (1) shall contain basic information about the project, including its location, the number of units (identified by number of bedrooms), and information relating to the estimated fair market value of the project.

(2) EXPRESSION OF SERIOUS INTEREST.—Not later than 60 days after receiving notice under paragraph (1), a unit of general local government or State agency may provide the Secretary with written notice of its serious interest in the property. Such notice of serious interest shall be in such form and include such information as the Secretary may prescribe.

(3) NOTICE OF READINESS FOR SALE.—Upon the expiration of the 60-day period referred to in paragraph (2), the Secretary shall provide written notice to any unit of general local government or State agency that has expressed serious interest in the property. Such notice shall specify the minimum terms and conditions for the sale of the property.

(4) OFFERS AND ACCEPTANCE.—

(A) OFFERS.—A unit of general local government or State agency has 45 days after the date notice is received under paragraph (3) to make a bona fide offer to purchase the property.

(B) NONPROFIT ORGANIZATIONS.—An offer under this paragraph may be made in conjunction with a nonprofit organization.

(C) ACCEPTANCE.—The Secretary shall accept an offer that complies with the terms and conditions prescribed by the Secretary under paragraph (3).

(c) SALE TO OTHER PURCHASERS.—If, after expiration of the periods of time referred to in paragraphs (2) and (4)(A) of subsection (b), as applicable, no purchaser has expressed serious interest or made a bona fide offer to purchase the property, the Secretary may sell the property to any purchaser.

(d) DEFINITIONS.—For the purposes of this Act the term "multifamily housing project" has the same meaning as in section 203(i)(1) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(i)(1)).

SEC. 3. REPORT.

Not later than 90 days after the expiration of the 18-month period following the date of enactment of this Act, the Secretary shall transmit to the Congress a report describing the various methods of disposition of multifamily housing projects that have been undertaken pursuant to this Act and any recommendations for administrative or legislative action to further the purposes of this Act.●

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1280. A bill to amend the Public Health Service Act to provide for a biennial report on nutrition and health by the Surgeon General of the Public Health Service, and for other purposes; to the Committee on Labor and Human Resources.

NUTRITION AND HEALTH INFORMATION ACT OF 1993

● Mr. HARKIN. Mr. President, less than 2 months from today, health care reform legislation is likely to be before Congress. Health care is an issue that has dominated public debate for the past year and likely will for the next few years. As part of that debate, today I'm introducing a bill that will help focus attention on the critical link between diet and health, and help make prevention a centerpiece of health care reform. I am pleased that my distinguished colleague from Vermont, Senator LEAHY, has joined me in introducing this bill.

Mr. President, the Nutrition and Health Information Act of 1993 would require the Surgeon General to issue a report on nutrition and health once every 2 years. Just as the Surgeon General's annual report on smoking and health provides consumers and policymakers with important information about smoking, this report will provide consumers with information they need about nutrition and health. Congressman RON WYDEN has introduced similar legislation in the House.

Mr. President, I'm sure you've heard of the Surgeon General's annual report on smoking and health. Since 1964, it has been used by public health officials and Government agencies to teach people about the dangers of smoking and

use of other tobacco products. Over the years, there have been thousands of different studies that showed a clear link between smoking and poor health. But the Surgeon General's report has acted as the glue that tied that information together in a single, authoritative source that people can trust.

If you want to show people, say, the effect smoking has on pregnant women, or the effect smoking has on worker absences and productivity, or the link between smoking and lung cancer, all you have to do is refer to the Surgeon General's report. It has been a Bible of sorts used by both consumers and public officials to spread information, focus attention, and develop needed public policy changes on this critical issue. And in the past 20 years, the Surgeon General's findings and recommendations have been one of the biggest factors responsible for reducing smoking in America.

But, Mr. President, when it comes to diet and health—at a time when poor diet and exercise is the second-leading cause of death in America, responsible for 300,000 premature deaths each year—second only to smoking, which kills 400,000 annually—there is no single, authoritative source to which consumers and public officials can refer to for information.

Every day, news shows bombard consumers with sometimes conflicting information about diet and health. And they have no single source to turn to for good information. Getting accurate information about diet and nutrition out to people we can help keep healthy, save money, and save lives.

But right now we're not doing a good enough job of getting the information out there. All told, the attention the Federal Government has given to diet and health has been sporadic and scattered throughout a number of agencies. In 1988, the Surgeon General issued its only major report on diet and health. Another report, focusing on fat, it expected to be released later this year.

The Department of Agriculture, the Food and Drug Administration, and several other agencies have offered reports, which I commend them for. While informative, those reports have not presented the big picture in a way that captures the public's imagination and helps them make informed decisions.

And as is often the case, when a vacuum is created, others always rush in to fill the void. In the past decade or so, an entire cottage industry of health and diet foods has emerged in America. That's to be expected—that's how our system of free enterprise works, as well it should. But while a lot of these books contain good information, I'm concerned that many more contain conflicting, contradictory, and misleading information that do more harm than good.

For example, many books stress that you should avoid all fat because it causes coronary heart disease. But we now have more specific information and believe that the real culprit is saturated fat.

Many books say that knowing your total cholesterol level is an important measure of health. That's not quite true either—studies show that there are different types of cholesterol within your body, some good, some bad.

That's just some of the misinformation and gaps in knowledge out there. And few Americans are aware of this fact. We have a responsibility to make sure that consumers get the most accurate, up-to-date information we can provide.

And that's the role that this biennial Surgeon General's report will play. The Surgeon General's Office carries a lot of weight in the public eye. It's highly respected and widely regarded, and it's exactly the kind of vehicle we need to raise awareness about diet and nutrition as we move toward health care reform.

Mr. President, this bill would cost the Government very little, and its returns would be great, in the form of healthier Americans because of reduced incidence of heart disease, diabetes, cancer, hypertension, and other diseases.

We know that the best way to cure an illness or disease is to prevent it from happening in the first place. The information provided by this report will help make prevention and a healthy diet a cornerstone of all our lives.

Mr. President, close to 60 organizations have urged Congress to require the Surgeon General to prepare regular reports on diet and health, including the Center for Science in the Public Interest, the American Association of Retired Persons, the American Heart Association, and the Food Research and Action Center. I ask for unanimous consent that the list of these organizations as well as a copy of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Surgeon General's Office is a name people can trust. It's information you can rely on. I urge my colleagues to support this bill.

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

S. 1280

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 "Nutrition and Health Information Act".

SEC. 2. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et. seq.), as amended by section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end of the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General regarding the public health.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1998.".

ORGANIZATIONS URGING THE SURGEON GENERAL TO ISSUE REPORTS ON DIET AND HEALTH

American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Homes for the Aging.
American Association of Retired Persons.
American Cancer Society.
American College of Preventive Medicine.
American Dental Association.
American Health Foundation.
American Heart Association.
American Institute for Cancer Research.
American Medical Association.
American Medical Student Association.
American Nurses Association.
American Public Health Association.
American School Food Service Association.
American Society for Parenteral and Enteral Nutrition.
American Youth Work Center.
Association for Gerontology in Higher Education.
Association for the Advancement of Health Education.
Association of Schools of Public Health.
Association of Junior Leagues International.
Association of State and Territorial Chronic Disease Program Directors.
Association of State and Territorial Public Health Nutrition Directors.
Black Women's Agenda.
Boston Women's Health Book Collective.
Cancer Research Foundation of America.
Center for Women Policy Studies.
The Children's Foundation.
Clearinghouse on Women's Issues.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Consumer Federation of America.
Eldercare America, Inc.
Food Research and Action Center.
Gerontologic Society of America.
Green Thumb, Inc.
Group Health Association of America, Inc.
National Alliance of Black School Educators.
National Association of Community Health Centers.
National Association of Meal Programs.
National Association of Nutrition and Aging Services Programs.
National Association of State Units on Aging.
National Asian Pacific Center on Aging.
National Black Child Development Institute.

The National Caucus and Center on Black Aged, Inc.
National Consumers League.
National Council on the Aging.
National Council of Senior Citizens.
National Education Association.
National Hispanic Council on Aging.
National Meals on Wheels Foundation.
National Women's Health Network.
National Women's Health Resource Center.
Older Women's League.
Public Citizen's Congress Watch.
Public Voice for Food and Health Policy.
Society for the Advancement of Women's Health Research.
Society for Nutrition Education.●

● Mr. LEAHY. Mr. President, I am pleased to join Senator HARKIN in introducing legislation requiring the Surgeon General to issue biennial reports on the relationship between the nutrition and health of the American people.

This legislation is significant in two respects. First, these reports will give the American people sound information and guidance about nutrition and proper diet—information that can help all of us improve our overall health. In an earlier report on nutrition and health, former Surg. Gen. C. Everett Koop had this to say: "For the two out of three adult Americans who do not smoke or do not drink excessively, one personal choice seems to influence long-term health prospects more than any other: what we eat." Numerous studies have shown that proper diet can play a strong role in preventing or reducing the incidence of major illnesses, including America's biggest killers—heart disease, stroke, and cancer.

We need to get the message out about the importance of good nutrition, and making the issue a high priority with the Surgeon General is a good place to start.

Second, educating people about the role nutrition plays in health, and getting them to improve their diets, can lead to dramatically lower health care costs. I have seen this as chairman of the Agriculture, Nutrition, and Forestry Committee in my work with the Women, Infants and Children [WIC] Program. The WIC Program can save up to $4 in health care costs for every dollar invested.

At a time when we are working to reform our health care system and bring down skyrocketing costs, improving health through proper nutrition is one of the basic preventive measures we must pursue vigorously.

And we must start early. I am very concerned about what we are teaching our children about nutrition and health and what we are feeding them in our schools. Later this year I will introduce comprehensive legislation to bolster the nutrition education children receive in school and improve the nutritional quality of the federally funded meals they eat. I believe this initiative is absolutely essential to the larger efforts to improve the health of the American people, reduce health care costs, and develop a more rational system of care in this country.●

By Mr. COCHRAN (for himself, Mr. AKAKA, Mr. D'AMATO, Mr. SASSER, Mr. PRESSLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. STEVENS, Mr. COHEN, Mr. BOND, Mr. CRAIG, Mr. WELLSTONE, Mr. LOTT, Mr. THURMOND, Mr. FAIRCLOTH, Mr. FORD, Mr. METZENBAUM, Mr. COATS, Mr. DURENBERGER, Mr. LEVIN, Mr. MITCHELL, Mr. RIEGLE, Mr. ROTH, Mr. SHELBY, Mr. BURNS, Mr. DOLE, Mr. DORGAN, Mr. HEFLIN, Mr. HATCH, Mr. INOUYE, Mr. PELL, Mr. GLENN, Mr. HELMS, Mr. KENNEDY, Ms. MIKULSKI, Mr. WARNER, Mr. BAUCUS, Mr. BUMPERS, Mr. SMITH, Mr. MOYNIHAN, Mr. SPECTER, Mr. DASCHLE, Mr. GRAMM, and Mr. NUNN):

S.J. Res. 115. A joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

● Mr. COCHRAN. Mr. President, I am introducing legislation today to designate November 22, 1993, as "National Military Families Recognition Day." I am pleased that 43 other Senators are already cosponsors of this joint resolution, and that MIKE KREIDLER, from Washington, has introduced this measure in the other body.

Military families deserve special recognition for the sacrifices they make and the hardships they often endure. Even in peacetime, frequent and extended separations, whether from a husband, wife, or children, often create special problems for the military family.

Most active duty personnel are reassigned every few years, thereby reducing career opportunities for spouses and limiting their ability to establish roots in any location. Military children must adjust to new schools and new neighborhoods on a regular basis.

This joint resolution would set aside a special day for the Nation to pay tribute to military families and thank them for their contributions to our Nation's security.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

Mr. President, I urge my colleagues to support this legislation.

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

S.J. RES. 115

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) comprise more than one-half of the active duty community of the Armed Forces, and spouses and children of members of the reserve component of the Armed Forces in paid status comprise more than one-half of the individuals constituting the reserve component of the Armed Forces community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face financial hardship and feelings of cultured isolation;

Whereas the significantly reduced global military tensions following the end of the Cold War have resulted in a downsizing of the national defense and a refocusing of national priorities on strengthening the American economy and increasing competitiveness in the global marketplace;

Whereas the Congress is grateful for the sacrifices of military families and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have supported the role of the United States as the military leader and protector of the Free World: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 22, 1993 is designated as "National Military Families Recognition Day" in appreciation of the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.●

By Mr. GLENN:

S.J. Res. 116. A joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on the Judiciary.

NATIONAL GOOD TEEN DAY

● Mr. GLENN. Mr. President, I introduce a joint resolution designating January 16, 1994, as "National Good Teen Day." This day will commemorate those positive contributions that our Nation's youth make every day to our society.

The original concept of Good Teen Day was created by Mr. Robert Viencek, an English teacher at Salem City Schools in Salem, OH. The Salem City Schools commemorated this day on January 16, 1992. The first national observance of this day occurred on January 16, 1993.

Despite many negative stereotypes of American teens, the majority of our teenagers aspire to be integral and productive members of our society and will successfully reach that goal. Each of us was once a teenager. Teenagers represent the future of our great Nation and should be recognized for their contributions. Mr. TRAFICANT has introduced similar legislation in the House. Mr. President, I ask that the Senate designate January 16, 1994, as "National Good Teen Day."●

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 364

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions.

S. 457

At the request of Mr. EXON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 486

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 486, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 716

At the request of Mr. BOND, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 716, a bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 821

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 821, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare program, and for other purposes.

S. 824

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 824, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands, and for other purposes.

S. 833

At the request of Mr. GRASSLEY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 833, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 869

At the request of Mr. WELLSTONE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 869, a bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, to provide for epidemiological research on such violence and assault, and for other purposes.

S. 985

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 985, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

S. 986

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 986, a bill to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, and for other purposes.

S. 1063

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1210

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1210, a bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make prevented planting disaster payments for wheat, feed grains, upland cotton, and rice under certain circumstances, and for other purposes.

S. 1273

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1273, a bill to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions.

SENATE JOINT RESOLUTION 35

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution to designate the month of November 1993, and the month of November 1994, each as "National Alzheimer's Disease Month".

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Joint Resolution 99, a joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day".

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was withdrawn as a cosponsor of Senate Joint Resolution 99, supra.

SENATE JOINT RESOLUTION 101

At the request of Mr. WARNER, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. CAMPBELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. DORGAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. INOUYE],

the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. BRYAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Idaho [Mr. CRAIG], the Senator from Maine [Mr. MITCHELL], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Michigan [Mr. RIEGLE], the Senator from Nevada [Mr. REID], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Rhode Island [Mr. PELL], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. MCCAIN], the Senator from Utah [Mr. HATCH], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 101, a joint resolution to designate the week of July 25 through July 31, 1993, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month".

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. DOLE] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 113, supra.

SENATE JOINT RESOLUTION 114

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 114, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. SIMON, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution urging the President to redirect United States foreign assistance policies and spending priorities toward promoting sustainable development, which reduces global hunger and poverty, protects the environment, and promotes democracy.

AMENDMENTS SUBMITTED

NATIONAL SERVICE TRUST ACT OF 1993 DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1993

NICKLES AMENDMENT NO. 609

Mr. NICKLES proposed an amendment to the bill (S. 919) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes; as follows:

On page 68, after line 25, insert the following:

"(g) LIMITATION ON NUMBER OF TERMS OF SERVICE FOR FEDERALLY SUBSIDIZED LIVING ALLOWANCE.—No national service program may use assistance provided under section 121, or any other Federal funds, to provide a living allowance under subsection (a), a health care policy under subsection (d), or child care or a child care allowance under subsection (e), to an individual for a third, or subsequent, term of service described in section 139(b) by the individual in a national service program carried out under this subtitle.

HELMS (AND OTHERS) AMENDMENT NO. 610

Mr. HELMS (for himself, Mr. LOTT, Mr. COVERDELL, Mr. FAIRCLOTH, Mr. COCHRAN, and Mr. THURMOND) proposed an amendment to the bill (S. 919), supra, as follows:

At the appropriate place add the following new section:

SEC. . EXTENSION OF PATENT FOR INSIGNIA.

A certain design patent issued by the United States Patent Office on November 8, 1898, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by the Act entitled "An Act granting an extension of patent to the United Daughters of the Confederacy", approved November 11, 1977 (Public Law 95-168, 91 Stat. 1349), is renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

CRAIG (AND OTHERS) AMENDMENT NO. 611

Mr. CRAIG (for himself, Mr. NICKLES, and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 919), supra, as follows:

Beginning on page 166, strike line 19 and all that follows through page 168, line 8 and insert the following:

SEC. 113. REPORTS.

On page 168, line 16, strike "115" and insert "114".

On page 170, line 17, strike "116" and insert "115".

On page 175, line 16, strike "117" and insert "116".

On page 176, line 15, strike "118" and insert "117".

On page 179, line 6, strike "119" and insert "118".

On page 179, line 11, strike "120" and insert "119".

On page 180, line 1, strike "121" and insert "120".

On page 181, line 11, strike "122" and insert "121".

On page 181, line 20, strike "123" and insert "122".

KASSEBAUM AMENDMENT NO. 612

Mrs. KASSEBAUM proposed an amendment to the bill (S. 919), supra, as follows:

In lieu of language proposed, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Service and Community Volunteers Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) IN GENERAL.—Section 2 of the National and Community Service Act of 1990 (42 U.S.C. 12501) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Throughout the United States, there are pressing unmet human, educational, environmental, and public safety needs.

"(2) Americans desire to affirm common responsibilities and shared values that transcend race, religion, or region.

"(3) Americans of all ages can improve their communities and become better citizens through service to the United States.

"(4) Nonprofit organizations, local governments, States, and the Federal Government are already supporting a wide variety of national service programs that deliver needed services in a cost-effective manner.

"(5) Federal appropriations in fiscal year 1993 for full-time national service programs totaled $102,700,000.

"(b) PURPOSES.—It is the purpose of this Act to—

"(1) assist in meeting the unmet human, educational, environmental, and public safety needs of the United States, without displacing existing workers;

"(2) renew the ethic of civic responsibility and the spirit of community throughout the United States;

"(3) determine, through demonstration and experimentation, the most efficient means for implementing educational or other incentives that are necessary for a successful national service program;

"(4) encourage citizens of the United States, regardless of race, religion, gender, age, disability, region, income or education, to engage in full-time or part-time national service;

"(5) reinvent government to eliminate duplication in national service and volunteer programs by merging existing national service and volunteer programs and carrying out the programs through the same administrative body, thereby diminishing bureaucratic infrastructure while maximizing program flexibility and effectiveness;

"(6) support locally established initiatives, require measurable goals for performance, and offer flexibility in meeting those goals;

"(7) build on the existing organizational service infrastructure of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens;

"(8) provide tangible benefits to the communities in which national service is performed; and

"(9) promote the integration of community volunteer activities by introducing service-learning into curricula in elementary schools, secondary schools, and institutions of higher education.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 2 and inserting the following new item:

"Sec. 2. Findings and purpose.".

TITLE I—NATIONAL SERVICE AND COMMUNITY VOLUNTEERS

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

(a) IN GENERAL.—Section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511) is amended to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this title:

"(1) ADULT VOLUNTEER.—The term 'adult volunteer' means an individual, such as an older adult, an individual with a disability, a parent, or an employee of a business or public or private not-for-profit agency, who—

"(A) works without financial remuneration in an educational institution to assist students or out-of-school youth; and

"(B) is beyond the age of compulsory school attendance in the State in which the educational institution is located.

"(2) CARRY OUT.—The term 'carry out', when used in connection with a national service program described in section 122, means the planning, establishment, operation, expansion, or replication of the program.

"(3) COMMUNITY-BASED AGENCY.—The term 'community-based agency' means a private not-for-profit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, environmental, or public safety community needs.

"(4) CORPORATION.—The term 'Corporation', means the Corporation for National Service and Community Volunteers established under section 191.

"(5) DIRECTOR.—The term 'Director' means the Director of the Corporation appointed under section 193.

"(6) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means, with respect to an individual, an individual who is determined by the Director to be low-income according to the latest available data from the Department of Commerce.

"(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

"(8) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.

"(9) INDIAN LANDS.—The term 'Indian lands' means any real property owned by an Indian tribe, any real property held in trust by the United States for an Indian or Indian tribe, and any real property held by an Indian or Indian tribe that is subject to restrictions on alienation imposed by the United States.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

"(11) INDIVIDUAL WITH A DISABILITY.—Except as provided in section 175(a), the term 'individual with a disability' has the meaning given the term in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(13) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(14) NATIONAL SERVICE LAWS.—The term 'national service laws' means this Act and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

"(15) NATIONAL SERVICE PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'national service program' means a program or activity described in—

"(i) subtitle C, D, or E;

"(ii) part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.);

"(iii) part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.); or

"(iv) Public Law 91–378 (16 U.S.C. 1701–1706; commonly known as the 'Youth Conservation Corps Act of 1970').

"(B) LIMITATION.—As used in subtitle C, such term means a program described in section 122(a).

"(16) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an individual who—

"(A) has not attained the age of 27;

"(B) has not completed college or the equivalent thereof; and

"(C) is not enrolled in an elementary or secondary school or institution of higher education.

"(17) PARTICIPANT.—

"(A) IN GENERAL.—The term 'participant' means an individual enrolled in a program that receives assistance under this title.

"(B) RULE.—A participant shall not be considered to be an employee of the program in which the participant is enrolled.

"(18) PARTNERSHIP PROGRAM.—The term 'partnership program' means a program through which an adult volunteer, a public or private not-for-profit agency, an institution of higher education, or a business assists a local educational agency.

"(19) PROGRAM.—The term 'program', except when used as part of the term 'academic program', 'national service program', or 'volunteer program' means a program described in section 111(a), 119(b)(1), 122(a), or 145, in paragraph (1) or (2) of section 152(b), or in title III.

"(20) PROJECT.—The term 'project' means an activity, carried out through a program that receives assistance under this title, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

"(21) SCHOOL-AGE YOUTH.—The term 'school-age youth' means—

"(A) individuals between the ages of 5 and 17, inclusive; and

"(B) children with disabilities, as defined in section 602(a)(1) of the Individuals with

Disabilities Education Act (20 U.S.C. 1401(a)(1)), who receive services under part B of such Act.

"(22) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

"(23) SERVICE-LEARNING.—The term 'service-learning' means a method—

"(A) under which students or participants learn and develop through active participation in thoughtfully organized service that—

"(i) is conducted in and meets the needs of a community;

"(ii) is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and

"(iii) helps foster civic responsibility;

"(B) that is integrated into the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled;

"(C) that provides students with opportunities to use newly acquired skills and knowledge in situations in their communities; and

"(D) that enhances the curriculum or educational components described in subparagraph (B) by extending student learning beyond the classroom and into the community and helps to foster the development of a sense of caring for others.

"(24) SERVICE-LEARNING COORDINATOR.—The term 'service-learning coordinator' means an individual who provides services as described in section 111(a)(2).

"(25) SERVICE SPONSOR.—The term 'service sponsor' means an organization, or other entity, that has been selected to provide a placement for a participant.

"(26) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The term also includes Palau, until such time as the Compact of Free Association is ratified.

"(27) STATE COMMISSION.—The term 'State Commission' means a State Commission for National Service and Community Volunteers maintained by a State pursuant to section 178. Except when used in section 178, the term includes an alternative administrative entity for a State approved by the Corporation under such section to act in lieu of a State Commission.

"(28) STUDENT.—The term 'student' means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

"(29) SUMMER PROGRAM.—The term 'summer program' means a full-time or part-time program authorized under this title that is limited to a period beginning after April 30 and ending before October 1.

"(30) VOLUNTEER PROGRAM.—The term 'volunteer program' means a program or activity described in—

"(A) part I or II of subtitle B, or title III; or

"(B) part B or C of title I, or part A, B, or C, of title II, of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4971 et seq., 4991 et seq., 5001 et seq., 5011 et seq., and 5013 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 182(a)(2) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(2)) is amended by striking "adult volunteer and partnership" each place the term appears and inserting "partnership".

(2) Section 182(a)(3) of the National and Community Service Act of 1990 (42 U.S.C 12642(a)(3)) is amended by striking "adult volunteer and partnership" and inserting "partnership".

(3) Section 441(c)(2) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)(2)) is amended by striking "service opportunities or youth corps as defined in section 101 of the National and Community Service Act of 1990, and service in the agencies, institutions and activities designated in section 124(a) of the National and Community Service Act of 1990" and inserting "a project, as defined in section 101(20) of the National and Community Service Act of 1990 (42 U.S.C. 12511(18))".

(4) Section 1122(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1137a(a)(2)(C)) is amended by striking "youth corps as defined in section 101(30) of the National and Community Service Act of 1990" and inserting "youth corps programs, as described in section 122(a)(2) of the National and Community Service Act of 1990".

(5) Section 1201(p) of the Higher Education Act of 1965 (20 U.S.C. 1141(p)) is amended by striking "section 101(22)" and inserting "section 101(23)".

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

Section 102 of the National and Community Service Act of 1990 (42 U.S.C. 12512) is repealed.

Subtitle B—Service-Learning Programs

SEC. 111. PROGRAMS.

(a) AMENDMENTS TO SERVE-AMERICA PROGRAMS.—

(1) PURPOSE.—The purpose of this subsection is to improve the Serve-America programs established under part I of subtitle B of the National and Community Service Act of 1990, and to enable the Corporation for National Service and Community Volunteers, and the entities receiving financial assistance under such part, to—

(A) work with teachers in elementary schools and secondary schools within a community, and with community-based agencies, to create and offer service-learning opportunities for school-age youth;

(B) educate teachers, and faculty providing teacher training and retraining, about service-learning, and incorporate service-learning opportunities into classroom teaching to strengthen academic learning;

(C) coordinate the work of adult volunteers who work with elementary and secondary schools as part of their community service activities; and

(D) work with employers in the communities to ensure that projects introduce the students to various careers and expose the students to needed further education and training.

(2) PROGRAMS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended by striking the subtitle heading and all that follows through the end of part I and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"SEC. 111. AUTHORITY TO ASSIST STATES AND INDIAN TRIBES.

"(a) USE OF FUNDS.—The Corporation, in consultation with the Secretary of Education, may make grants under section 112(b)(1), and allotments under subsections (a) and (b)(2) of section 112, to States (through State Commissions), and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity of the States or Indian tribes (which may be accomplished through grants or contracts with qualified organizations) to implement school-based and community-based service-learning programs, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula to be integrated into academic programs, including an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(C) forming local partnerships described in subsection (b) to develop school-based or community-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on participants and communities; and

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

"(2) implementing, operating, or expanding school-based and community-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators who shall—

"(A) assist in the design and implementation of such a program; and

"(B) identify the community partners referred to in subsection (b); and

"(3) implementing, operating, or expanding school-based and community-based service-learning programs that involve adult volunteers in service-learning activities to improve the education of students and school-age youth.

"(b) PARTNERSHIPS.—To support activities described in paragraph (2) or (3) of subsection (a), a State or Indian tribe shall distribute Federal funds made available under this part to local partnerships, who—

"(1) shall use the funds to carry out projects—

"(A) through school-based service-learning programs for participants selected from among students; or

"(B) through community-based service-learning programs for participants selected from among school-age youth; and

"(2) shall include—

"(A) in the case of school-based programs—

"(i) local educational agencies; and

"(ii) one or more community partners that—

"(I) shall include a public or private not-for-profit organization; and

"(II) may include a private for-profit business or private elementary or secondary school; and

"(B) in the case of community-based programs—

"(i) public or private not-for-profit organizations;

"(ii) local educational agencies; and

"(iii) one or more community partners.

"(c) QUALIFIED ORGANIZATIONS.—To support activities described in subsection (a)(1), a State or Indian tribe shall distribute Federal funds made available under this part to qualified organizations, who shall be—

"(1) local educational agencies;

"(2) community-based organizations that meet the requirements of section 111B(a);

"(3) communities;

"(4) State agencies; or

"(5) partnerships described in subparagraph (A) or (B) of subsection (b)(2).

"(d) RELATED EXPENSES.—A partnership or other qualified organization that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, evaluations, and for other reasonable expenses necessary to carry out the activities.

"SEC. 111A. AUTHORITY TO ASSIST LOCAL APPLICANTS IN NONPARTICIPATING STATES.

"In any fiscal year in which a State does not submit an application under section 113, for an allotment under subsection (a) or (b)(2) of section 112, that meets the requirements of section 113 and such other requirements as the Director may determine to be appropriate, the Corporation may use the allotment of that State to make a direct grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1) in that State; or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a) in that State.

"SEC. 111B. AUTHORITY TO ASSIST PUBLIC OR PRIVATE NOT-FOR-PROFIT ORGANIZATIONS.

"(a) IN GENERAL.—The Corporation may make a grant under section 112(b)(1) to a public or private not-for-profit organization that—

"(1) has experience with service-learning;

"(2) was in existence 1 year before the date on which the organization submitted an application under section 114(a); and

"(3) meets such other criteria as the Director may establish.

"(b) USE OF FUNDS.—Such an organization may use a grant made under subsection (a) to make a grant—

"(1) to a qualified organization, to pay for the Federal share of carrying out activities described in section 111(a)(1); or

"(2) to a partnership described in section 111(b), to pay for the Federal share of carrying out activities described in paragraph (2) or (3) of section 111(a).

"SEC. 112. GRANTS AND ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—

"(1) IN GENERAL.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not more than 1 percent for payments—

"(A) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

"(B) to Palau, in accordance with its needs, until such time as the Compact of Free Association with Palau is ratified.

"(2) NATIVE HAWAIIAN ENTITIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve .2 percent of such amounts for payments to Native Hawaiian entities, to be allotted in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(b) GRANTS AND ALLOTMENTS THROUGH STATES.—The Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) GRANTS.—Except as provided in paragraph (3), from 20 percent of such funds, the Corporation may make grants, on a competitive basis, to—

"(A) States and Indian tribes; or

"(B) public or private not-for-profit organizations as described in section 111B.

"(2) ALLOTMENTS.—

"(A) SCHOOL-AGE YOUTH.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Except as provided in paragraph (3), from 45 percent of such funds, the Corporation shall allot to each State an amount that bears the same ratio to 45 percent of such funds as the allocation to the State for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.) bears to such allocations to all States.

"(3) MINIMUM AMOUNT.—No State shall receive, under paragraph (2), an allotment that is less than the allotment such State received for fiscal year 1993 under section 112(b) of this Act, as in effect on the day before the date of enactment of this part. If the amount of funds made available in a fiscal year to carry out paragraph (2) is insufficient to make such allotments, the Corporation shall make available sums from the 10 percent described in paragraph (1) for such fiscal year to make such allotments.

"(4) DEFINITION.—Notwithstanding section 101(26), for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and an Indian tribe.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe does not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Director may determine to be appropriate, the Corporation shall, after making any grants under section 111A, make any remainder of such allotment available for reallotment to such other States, and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

"(d) EXCEPTION.—Notwithstanding subsections (a) and (b), if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States and Indian tribes, from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

"(e) PROGRAMS.—In awarding grants and making allotments under subsections (a), (b), and (d), from the sum appropriated to carry out this part for a fiscal year, the Corporation shall make available—

"(1) 75 percent of such sum for school-based programs; and

"(2) 25 percent of such sum for community-based programs.

"SEC. 113. STATE OR TRIBAL APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a grant under section 112(b)(1), an allotment under subsection (a) or (b)(2) of section 112, a reallotment under section 112(c), or a grant under section 112(d), a State (acting through the State Commission) or an Indian tribe, shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(b) CONTENTS.—An application that is submitted under subsection (a) with respect to service-learning programs described in section 111 shall include—

"(1) information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178;

"(2) assurances that—

"(A) the applicant will keep such records and provide such information to the Corporation with respect to the programs as may be required for fiscal audits and program evaluation; and

"(B) the applicant will comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) such additional information as the Director may reasonably require.

"SEC. 114. LOCAL APPLICATIONS.

"(a) APPLICATION TO CORPORATION TO MAKE GRANTS FOR SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—To be eligible to receive a grant under section 112(b)(1) in accordance with section 111B(a) to make grants relating to school-based or community-based service-learning programs described in section 111(a), a grantmaking entity shall prepare, submit to the Corporation, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require. Such an application may include a proposal to assist such programs in more than one State.

"(b) DIRECT APPLICATION TO CORPORATION TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS IN NONPARTICIPATING STATES.—To be eligible to receive a grant from the Corporation in the circumstances described in section 111A to carry out an activity described in such section, an organization or partnership referred to in such section shall prepare, submit to the Corporation, and obtain approval of, an application. Such application shall be submitted at such time and in such manner, and shall contain such information, as the Director may reasonably require.

"(c) APPLICATION TO STATE OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED OR COMMUNITY-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—A qualified organization or partnership that desires to receive financial assistance under this part from a State Commission, Indian tribe, or grantmaking entity, for activities described in section 111(a), shall prepare, submit to the State Commission, tribe, or entity, and obtain approval of, an application.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the State Commission, tribe, or entity may reasonably require.

"(d) CONTENTS OF APPLICATION.—

"(1) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under subsection (a) or (b).

"(2) ASSURANCES.—At a minimum, an application submitted under subsection (a) or (b) shall contain—

"(A) an assurance that the applicant will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(B) an assurance that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and grievance procedure requirements of section 176(f); and

"(C) such other assurances as the Director may reasonably require.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—No applicant shall submit an application under section 113 or this section, and the Corporation shall reject an application that is submitted under section 113 or this section, if the application describes a project proposed to be conducted using assistance requested by the applicant and the project is already described in another application pending before the Corporation.

"SEC. 115. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR APPLICATIONS.—In approving applications for financial assistance under subsection (a), (b), (c), or (d) of section 112, the Corporation shall consider such criteria with respect to sustainability, replicability, innovation, and quality of programs under this part as the Director may by regulation specify. In providing assistance under this part, a State Commission, Indian tribe, or grantmaking entity shall also consider such criteria.

"(b) PRIORITY FOR APPLICATIONS.—

"(1) IN GENERAL.—In providing assistance under this part, a State Commission or Indian tribe, or the Corporation if section 111A or 111B applies, shall give priority to entities that submit applications under section 114 with respect to service-learning programs described in section 111 that—

"(A) involve participants in the design and operation of the program;

"(B) are in the greatest need of assistance, such as programs targeting low-income areas; or

"(C) involve—

"(i) students from public elementary or secondary schools, and students from private elementary or secondary schools, serving together; or

"(ii) students of different ages, races, sexes, ethnic groups, disabilities, or economic backgrounds, serving together.

"(c) REGULATIONS.—The Corporation shall by regulation establish procedures and criteria (in addition to the criteria described in subsections (a) and (b)) for awarding grants in the circumstances described in sections 111A and 111B.

"(d) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted under section 113 for an allotment under subsection (b)(2) of section 112, the Corporation shall promptly notify the applicant of the reasons for the rejection of the application. The Corporation shall provide the applicant with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the applicant as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

"SEC. 115A. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State or Indian tribe or in the school district of the local educational agency involved who are enrolled in private not-for-profit elementary and secondary schools, such State, Indian tribe, or agency shall consult with appropriate private school representatives and make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) WAIVER.—If a State, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private not-for-profit schools as required by subsection (a), or if the Corporation determines that a State, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Director shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 1017(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2727(b)).

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

"(a) SHARE.—

"(1) IN GENERAL.—The Federal share attributable to this part of the cost of carrying out a program for which a grant or allotment is made under this part may not exceed—

"(A) 90 percent of the total cost of the program for the first year for which the program receives assistance under this part;

"(B) 80 percent of the total cost of the program for the second such year;

"(C) 70 percent of the total cost of the program for the third such year; and

"(D) 50 percent of the total cost of the program for the fourth such year, and for any subsequent such year.

"(2) REMAINING SHARE.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or Federal sources (other than funds made available under the national service laws).

"(3) CALCULATION.—In calculating the cost of carrying out such a program, the recipient shall not include the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"(b) WAIVER.—The Director may waive the requirements of subsection (a) in whole or in part with respect to any such program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"(c) DEFINITION.—Notwithstanding section 101, as used in this section, the term 'national service laws' means the provisions specified in section 201(a) of the National Service and Community Volunteers Act of 1993.

"SEC. 116A. LIMITATIONS ON USES OF FUNDS.

"(a) ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the service-learning programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the service-learning programs supported with the assistance.

"(b) CAPACITY-BUILDING ACTIVITIES.—Not less than 10 percent and not more than 20 percent of the amount of assistance provided to a State Commission, Indian tribe, or grantmaking entity that is the original recipient of a grant or allotment under subsection (a), (b), (c), or (d) of section 112 for a fiscal year shall be used to build capacity through training, technical assistance, curriculum development, and coordination activities, described in section 111(a)(1).

"(c) FINANCIAL SUPPORT TO STUDENTS.—Funds made available under this part may not be used to pay any stipend, allowance, or other financial support to any student who is a participant under this part, except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses directly related to participation in a program assisted under this part.

"(d) PROHIBITION ON PAYMENTS FOR SALARIES AND BENEFITS.—No partnership or qualified organization may use funds made available under this subtitle to pay for the costs of salaries and benefits of individuals who are participants or volunteers in any national service program or any volunteer program, other than a program under this part.

"SEC. 116B. DEFINITIONS.

"As used in this part:

"(1) COMMUNITY-BASED SERVICE-LEARNING PROGRAM.—The term 'community-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(B).

"(2) GRANTMAKING ENTITY.—The term 'grantmaking entity' means an organization described in section 111B(a).

"(3) QUALIFIED ORGANIZATION.—The term 'qualified organization' means an entity described in any of paragraphs (1) through (5) of section 111(c).

"(4) SCHOOL-BASED SERVICE-LEARNING PROGRAM.—The term 'school-based service-learning program' means a service-learning program sponsored by a partnership that includes the entities described in section 111(b)(2)(A).

"(5) STUDENT.—Notwithstanding section 101(28), the term 'student' means an individual who is enrolled in an elementary or secondary school on a full- or part-time basis.".

(b) HIGHER EDUCATION INNOVATIVE PROJECTS.—Subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12531 et seq.) is amended by striking part II and inserting the following:

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"SEC. 119. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.

"(a) PURPOSE.—It is the purpose of this part to expand participation in community service by supporting innovative community service programs that enable institutions of higher education to act as civic institutions in meeting the human, educational, environmental, or public safety needs of neighboring communities.

"(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a combination of such institutions), and partnerships comprised of such institutions and of other public agencies or not-for-profit private organizations, to pay for the Federal share of the cost of—

"(1) enabling such an institution or partnership to create or expand an organized community service program that—

"(A) engenders a sense of social responsibility and commitment to the community in which the institution is located; and

"(B) provides projects for participants, who shall be students, faculty, administration, or staff of the institution, or residents of the community;

"(2) supporting student-initiated and student-designed community service projects through the program;

"(3) facilitating the integration of community service carried out under the program into academic curricula, including integration of clinical programs into the curriculum for students in professional schools, so that students can obtain credit for their community service projects;

"(4) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) to support service-learning and community service through the community service program;

"(5) strengthening the service infrastructure within institutions of higher education in the United States through the program; and

"(6) providing for the training of teachers, prospective teachers, related education personnel, and community leaders in the skills necessary to develop, supervise, and organize service-learning.

"(c) FEDERAL SHARE.—

"(1) SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a community service project for which a grant or contract is awarded under this part may not exceed 50 percent.

"(B) CALCULATION.—Each recipient of assistance under this part shall comply with paragraphs (2) and (3) of section 116(a).

"(2) WAIVER.—The Director may waive the requirements of paragraph (1), in whole or in part, as provided in section 116(b).

"(d) APPLICATION FOR GRANT.—

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership described in subsection (b) shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Director may reasonably require.

"(2) CONTENTS.—

"(A) REGULATIONS.—The Corporation shall by regulation establish standards for the information required to be contained in an application submitted under paragraph (1).

"(B) ASSURANCES.—At a minimum, such an application shall contain—

"(i) an assurance that the entity carrying out the program will develop an age-appropriate learning component for participants in the program that shall include a chance for participants to analyze and apply their service experiences;

"(ii) an assurance that students and community members including service recipients shall be involved in the design and implementation of the program;

"(iii) an assurance that the program is consistent with the approved strategic plan submitted under section 178 by the State in which the program will be implemented;

"(iv) an assurance that the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and grievance procedure requirements of section 176(f); and

"(v) such other assurances as the Director may reasonably require.

"(e) DEFINITION.—Notwithstanding section 101(28), as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

"PART III—GENERAL PROVISIONS

"SEC. 120. AVAILABILITY OF APPROPRIATIONS.

"Of the aggregate amount appropriated to carry out this subtitle for each fiscal year—

"(1) a sum equal to 80 percent of such aggregate amount shall be available to carry out part I; and

"(2) a sum equal to 20 percent of such aggregate amount shall be available to carry out part II.".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle B of title I of such Act and inserting the following:

"Subtitle B—Service-Learning Programs

"PART I—SERVE-AMERICA PROGRAMS

"Sec. 111. Authority to assist States and Indian tribes.
"Sec. 111A. Authority to assist local applicants in nonparticipating States.
"Sec. 111B. Authority to assist public or private not-for-profit organizations.
"Sec. 112. Grants and allotments.
"Sec. 113. State or tribal applications.
"Sec. 114. Local applications.
"Sec. 115. Consideration of applications.
"Sec. 115A. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 116A. Limitations on uses of funds.
"Sec. 116B. Definitions.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 119. Higher education innovative programs for community service.

"PART III—GENERAL PROVISIONS

"Sec. 120. Availability of appropriations.".

Subtitle C—National Service Programs

SEC. 121. FEDERAL INVESTMENT IN SUPPORT OF NATIONAL SERVICE.

(a) ASSISTANCE PROGRAM AUTHORIZED.—Subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12541 et seq.) is amended to read as follows:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"SEC. 121. AUTHORITY TO PROVIDE ASSISTANCE.

"(a) PROVISION OF ASSISTANCE.—The Corporation may make grants to States, subdivisions of States, Indian tribes, public and private not-for-profit organizations, and institutions of higher education for the purpose of assisting the recipients of the grants—

"(1) to carry out full- or part-time national service programs, including summer programs, described in section 122(a); and

"(2) to make grants in support of other national service programs described in section 122(a) that are carried out by other entities.

"(b) AGREEMENTS WITH FEDERAL AGENCIES.—

"(1) IN GENERAL.—The Corporation may enter into a contract or cooperative agreement with another Federal agency to support a national service program carried out by the agency. The support provided by the Corporation pursuant to the contract or cooperative agreement may include the transfer to the Federal agency of funds available to the Corporation.

"(2) NONDUPLICATION.—A Federal agency that enters into a contract or cooperative agreement under paragraph (1) to support a national service program within a State—

"(A) shall consult with the State Commission serving the State to avoid duplication with any service program that is in existence in the State as of the date of the contract or cooperative agreement; and

"(B) shall, in an appropriate case, enter into a contract or cooperative agreement with an entity that is carrying out a service program described in subparagraph (A) that is of high quality, in order to support the national service program.

"(3) APPLICATION OF REQUIREMENTS.—A Federal agency receiving assistance under this subsection shall comply with the Federal share requirements of section 129(c)(2)(B). The supplementation requirements specified in section 173 shall apply with respect to the Federal National Service programs supported with such assistance.

"(c) LIMITATION ON ADMINISTRATIVE COSTS.—

"(1) LIMITATION.—Not more than 5 percent of the amount of assistance provided to the original recipient of a grant or transfer of assistance under subsection (a) or (b) for a fiscal year may be used to pay for administrative costs incurred by—

"(A) the original recipient; or

"(B) the entity carrying out the national service programs supported with the assistance.

"(2) RULES ON USE.—The Director may by rule prescribe the manner and extent to which—

"(A) such assistance may be used to cover administrative costs; and

"(B) that portion of the assistance available to cover administrative costs should be distributed between—

"(i) the original recipient; and

"(ii) the entity carrying out the national service programs supported with the assistance.

"(d) MATCHING FUNDS REQUIREMENTS.—

"(1) REQUIREMENTS.—Except as provided in section 129(c)(2)(B), the Federal share of the cost of carrying out a national service program that receives the assistance under subsection (a), whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed 75 percent of such cost.

"(2) CALCULATION.—In providing for the remaining share of the cost of carrying out a national service program, a recipient of assistance under this subtitle—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated,

including facilities, equipment, or services; and

"(B) may provide for such share through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")).

"(3) WAIVER.—The Corporation may waive in whole or in part the requirements of paragraph (1) with respect to a national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level.

"SEC. 122. TYPES OF NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) ELIGIBLE NATIONAL SERVICE PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency receiving assistance under section 121(b) shall use the assistance, directly or through subgrants to other entities, to carry out full- or part-time national service programs, including summer programs, that address unmet human, educational, environmental, or public safety needs. Subject to subsection (b)(1), these national service programs may include the following types of national service programs:

"(1) A community corps program that promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical capabilities, ages, ethnic backgrounds, or genders.

"(2) A full-time youth corps program carried out during the summer months or throughout the full calendar year, such as a conservation corps or youth service corps (including a conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands), that—

"(A) undertakes meaningful full-time service projects with visible benefits to a community, including natural resource, urban renovation, or human services projects;

"(B) includes as participants youth and young adults between the ages of 16 and 25, inclusive, including out-of-school youth and other economically disadvantaged youth, and individuals with disabilities, who are between those ages; and

"(C) provides those participants who are youth and young adults with—

"(i) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services; and

"(ii) the opportunity to develop citizenship values and skills through service to their community and the United States.

"(3) A program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I subtitle B.

"(4) A service program that is targeted at specific unmet human, educational, environmental, or public safety needs and that—

"(A) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

"(B) brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(5) An individualized placement program that includes regular group activities, such as leadership training and special service projects.

"(6) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(A) students who are attending an institution of higher education, including students supported by work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(B) teams composed of such students; or

"(C) teams composed of a combination of such students and community residents.

"(7) A preprofessional training program in which students enrolled in an institution of higher education—

"(A) receive training in specified fields, which may include classes containing service-learning;

"(B) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(C) agree to provide at least 1 year of service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training.

"(8) A professional corps program that recruits and places qualified participants in positions—

"(A) as police officers, early childhood development staff, social workers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(B) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

"(C) that are sponsored by public or private not-for-profit employers who agree to pay 100 percent of the salaries and benefits (other than any national service benefit under section 123 and the post-service benefits under section 146) of the participants.

"(9) A program in which economically disadvantaged individuals who are between the ages of 16 and 24 years of age, inclusive, are provided with opportunities to perform service that, while enabling such individuals to obtain the education and employment skills necessary to achieve economic self-sufficiency, will help their communities meet—

"(A) the housing needs of low-income families and the homeless; and

"(B) the need for community facilities in low-income areas.

"(10) A national service entrepreneur program that identifies, recruits, and trains gifted young adults of all backgrounds and assists such adults in designing solutions to community problems.

"(11) An intergenerational program that combines students, out-of-school youth, and older adults as participants to provide needed community services, including an intergenerational component of a national service program described in paragraphs (1) through (10), paragraph (12) or paragraph (13).

"(12) A program utilizing public school facilities, after regular school hours and during weekends and summers, to provide children in distressed communities with curriculum-based, supervised educational, recreational and cultural activities in safe and secure environments and to coordinate the delivery of social services to the children of the community.

"(13) A program to help communities adversely affected by the closure or realignment of a military installation, by converting the military installation, in whole or in part, to community use.

"(14) Such other national service programs addressing unmet human, educational, environmental, or public safety needs consistent with the strategic plan of the State Commission, if funded through the Commission, or consistent with the Corporation's strategic plan, if funded directly by the Corporation.

"(b) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals that have extensive experience in developing and administering effective national service programs.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) WAIVER.—With respect to a proposed national service program that does not meet the qualification criteria established under paragraph (1), the Corporation may waive such criteria with respect to such program if the Corporation determines that such program is uniquely innovative in nature.

"(c) NATIONAL SERVICE PRIORITIES FOR THE CORPORATION.—

"(1) ESTABLISHMENT BY CORPORATION.—In order to concentrate national efforts on meeting certain unmet human, educational, environmental, or public safety needs and to otherwise achieve the purposes of this Act, the Corporation shall establish and periodically alter priorities regarding the types of national service programs to be assisted under section 129(c) and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants for assistance under 129(c) of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 129(c).

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs.

"(4) APPLICATION TO SUBGRANTS.—National service priorities established by the Corporation under this subsection shall be used by a

recipient of funds under section 129(c) if that recipient uses any portion of such funds to conduct a grant program to support other national service programs.

"(5) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youth, and older adults as participants.

"(d) STATE NATIONAL SERVICE POSITIONS.—

"(1) ESTABLISHMENT BY STATE COMMISSIONS.—In order to concentrate national and State efforts on meeting certain unmet human, educational, environmental, or public safety needs at the State and local level and to otherwise achieve the purposes of this Act, State Commissions shall establish and, through the 3-year strategic plan process described in section 178, periodically alter priorities regarding the types of national service programs to be assisted under section 129(a) and the purposes for which such assistance may be used.

"(2) NOTICE TO APPLICANTS.—The State Commission shall provide advance notice, to potential applicants to the State Commission for assistance received by the State Commission under section 129(a), of any national service priorities to be in effect under this paragraph for a fiscal year. The notice shall specifically include a description of any alteration made in the priorities since the previous notice.

"SEC. 123. DEMONSTRATION EFFORTS CONCERNING EDUCATIONAL OR OTHER POST-SERVICE BENEFITS.

"(a) ESTABLISHMENT.—The Corporation shall establish demonstration programs to determine the most effective and efficient means for implementing educational or other incentives necessary for a successful national service program.

"(b) TREATMENT OF PARTICIPANTS.—Participants in demonstration programs under subsection (a) shall be treated in the same manner as if such participants were participants in national service programs funded under this subtitle, except that such participants shall not be eligible for post-service benefits under section 141.

"(c) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Corporation shall prepare and submit to the appropriate committees of Congress a report concerning the results of the demonstration programs established under subsection (a), and a description of the knowledge derived from existing national service-related programs conducted by Federal or State governments, including recommendations for legislative action.

"SEC. 124. TYPES OF PROGRAM ASSISTANCE.

"(a) PLANNING ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the planning of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 9 months.

"(b) OPERATIONAL ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the establishment, operation, or expansion of a national service program. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(c) REPLICATION ASSISTANCE.—The Corporation may provide assistance under section 121 to a qualified applicant that submits an application under section 130 for the expansion of a proven national service program to another geographical location. Assistance provided in accordance with this subsection may cover a period of not more than 3 years, but may be renewed by the Corporation upon consideration of a new application under section 130.

"(d) APPLICATION TO SUBGRANTS.—The requirements of this section shall apply to any State or other applicant receiving assistance under section 121 that proposes to conduct a grant program using the assistance to support other national service programs.

"SEC. 125. OTHER SPECIAL ASSISTANCE.

"(a) SUPPORT FOR STATE COMMISSIONS.—

"(1) ASSISTANCE AUTHORIZED.—The Corporation shall make assistance available to assist a State to establish or operate the State Commission required to be established by the State under section 178.

"(2) AMOUNT OF ASSISTANCE.—The amount of assistance that may be provided to a State Commission under this subsection, together with other Federal funds available to establish or operate the State Commission, may not exceed—

"(A) 75 percent of the total cost to establish or operate the State Commission for the first year for which the State Commission receives assistance under this subsection; and

"(B) such smaller percentage of such cost as the Corporation may establish for the second, third, and fourth years of such assistance in order to ensure that the Federal share does not exceed 50 percent of such costs for the fifth year, and any subsequent year, for which the State Commission receives assistance under this subsection.

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out under part A of title I of the Domestic Volunteer Service Act of 1973, to involve programs that receive assistance under the national service laws in disaster relief efforts.

"(c) CHALLENGE GRANTS FOR NATIONAL SERVICE PROGRAMS.—

"(1) IN GENERAL.—The Corporation may award challenge grants under this subsection to national service programs that receive assistance under section 121.

"(2) CRITERIA.—The Corporation shall develop criteria for the selection of recipients of challenge grants under paragraph (1), so as to make the grants widely available to a variety of programs that—

"(A) are high-quality national service programs; and

"(B) are carried out by entities with demonstrated experience in establishing and implementing projects that provide benefits to participants and communities.

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide not more than $1 of assistance under this subsection for each $1 in cash raised by the national service program from private sources in excess of amounts required to be provided by the program to satisfy matching funds requirements under section 121(e). The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.

"PART II—APPLICATION AND APPROVAL PROCESS

"SEC. 129. PROVISION OF ASSISTANCE BY COMPETITIVE AND OTHER MEANS.

"(a) ALLOTMENTS OF ASSISTANCE TO STATES AND INDIAN TRIBES.—

"(1) 50 PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall make a grant under section 121(a) to each of the several States (through the State Commission of the State), the District of Columbia, and the Commonwealth of Puerto Rico that has an application approved by the Corporation under section 133. The amount allotted as a grant to each such State under this paragraph for a fiscal year shall be equal to the amount that bears the same ratio to 50 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) ONE PERCENT ALLOTMENT OF ASSISTANCE.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve 1 percent of the allocated funds for grants under section 121(a) to Indian tribes, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. Palau shall also be eligible for a grant under this paragraph from the 1 percent allotment until such time as the Compact of Free Association with Palau is ratified.

"(3) ALLOTMENT OF ASSISTANCE FOR NATIVE HAWAIIANS.—Of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall reserve .2 percent of the allocated funds for grants under section 121(a) to Native Hawaiian entities, to be allotted by the Corporation on a competitive basis in accordance with their respective needs. The requirements of this subtitle shall apply to such an entity in the same manner, and to the same extent, as such requirements apply to an Indian tribe.

"(4) EFFECT OF FAILURE TO APPLY.—If a State or Indian tribe fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this subsection, the Corporation shall use the amount that would have been allotted under this subsection to the State or Indian tribe—

"(A) to make grants to other eligible entities under section 121 that propose to carry out national service programs in the State or on behalf of the Indian tribe; and

"(B) after making grants under paragraph (1), to make a reallotment to other States and Indian tribes with approved applications under section 130.

"(b) RESERVATION FOR SPECIAL ASSISTANCE.—Subject to section 501(a)(2), of the funds allocated by the Corporation for provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation may not reserve more than $10,000,000, or 1 percent of such funds, whichever is less, for a fiscal year for challenge grants under section 125(c).

"(c) COMPETITIVE DISTRIBUTION OF REMAINING FUNDS.—

"(1) STATE COMPETITION.—Of the funds allocated by the Corporation for the provision of assistance under subsections (a) and (b) of section 121 for a fiscal year, the Corporation shall use not less than 30 percent of the allocated funds to make grants to States (through the State Commissions) on a competitive basis under section 121(a).

"(2) FEDERAL AGENCIES AND OTHER APPLICANTS.—

"(A) IN GENERAL.—The Corporation shall distribute on a competitive basis to subdivisions of States (through the State Commissions), Indian tribes, public and private not-for-profit organizations, institutions of higher education, and Federal agencies the remainder of the funds allocated by the Corporation for the provision of assistance under section 121 for a fiscal year, after the operation of paragraph (1) and subsections (a) and (b).

"(B) FEDERAL SHARE.—Notwithstanding section 121(e), if a Federal agency proposes to carry out a national service program using funds made available under subparagraph (A), and the Federal agency is authorized to use funds made available under Federal law (other than the national service laws, including subtitles B, E, and H of title I, and title III, of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq., 12591 et seq., 12653 et seq., and 12661 et seq.), part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.), parts A and B of title I, section 124, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4994, and 5000 et seq.), and Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970")) to carry out such a program, the Federal share attributable to this paragraph of the cost of carrying out the national service program shall be 50 percent of such cost. The Director may by regulation specify the sources that may be used by the Federal agency to provide for the remaining share of such cost.

"(C) FEDERAL AGENCIES.—The Corporation may not distribute more than 30 percent of such remainder to Federal agencies for a fiscal year under subparagraph (A).

"(D) LIMITATIONS.—The Corporation shall limit the categories of eligible applicants for assistance under this paragraph consistent with the priorities established by the Corporations under section 133(d)(2).

"(d) APPLICATION REQUIRED.—The allotment of assistance to a State or an Indian tribe under subsection (a), and the competitive distribution of assistance under subsection (c), shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130 and approved by the Corporation under section 133.

"SEC. 130. APPLICATION FOR ASSISTANCE.

"(a) TIME, MANNER, AND CONTENT OF APPLICATION.—To be eligible to receive assistance under section 121 for participants who serve in the national service programs to be carried out using the assistance, a State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, or Federal agency shall prepare and submit to the Corporation an application at such time, in such manner, and containing such information as the Corporation may reasonably require.

"(b) TYPES OF APPLICATION INFORMATION.—In order to have adequate information upon which to consider an application under section 133, the Corporation shall by regulations establish requirements with respect to the content of applications submitted under this section. Such requirements shall specify that such an application shall contain information demonstrating that the programs will be carried out in a manner consistent with the strategic plan submitted for the State involved under section 178.

"(c) SPECIAL RULE FOR STATE APPLICANTS.—

"(1) SUBMISSION BY STATE COMMISSION.—The application of a State for a grant under section 121(a) shall be submitted by the State Commission.

"(2) COMPETITIVE SELECTION.—The application of a State shall contain an assurance that all assistance provided under section 121(a) to the State will be used to support national service programs that were selected by the State on a competitive basis.

"(3) ASSISTANCE TO NONSTATE ENTITIES.—The application of a State shall also contain an assurance that not less than 70 percent of the assistance provided under section 121(a) will be used to make grants in support of national service programs other than national service programs carried out by a State agency. The Corporation may permit a State to deviate from the percentage specified by this paragraph if the State has not received a sufficient number of acceptable applications to comply with the percentage.

"(d) SPECIAL RULE FOR CERTAIN SERVICE SPONSORS.—In the case of an applicant that proposes to serve as the service sponsor, the application shall include the written concurrence of any local labor organization representing employees of the applicant who are engaged in the same or substantially similar work as that proposed to be carried out.

"(e) LIMITATION ON SAME PROJECT IN MULTIPLE APPLICATIONS.—The Corporation shall reject an application submitted under this section if a project proposed to be conducted using assistance requested by the applicant is already described in another application pending before the Corporation.

"(f) PRIORITIES.—An application submitted under this section shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will use the State priorities established under section 122(d).

"SEC. 131. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

"(a) IMPACT ON COMMUNITIES.—An application submitted under section 130 shall include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) address unmet human, educational, environmental, or public safety needs through services that provide a direct benefit to the community in which the service is performed;

"(2) comply with the nonduplication and nondisplacement requirements of section 177; and

"(3) be consistent with the State or Corporation strategic plan (based on the funding source utilized).

"(b) IMPACT ON PARTICIPANTS.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide participants in the national service program with the training, skills, and knowledge necessary for the projects that participants are called upon to perform;

"(2) as appropriate, provide support services to participants, such as the provision of information and support—

"(A) to those participants who are completing a term of service and making the transition to other educational and career opportunities; and

"(B) to those participants who are school dropouts in order to assist those participants in earning the equivalent of a high school diploma; and

"(3) place participants in a national service program who are receiving benefits or assistance under any Federal, State or local program financed in whole or in part with Federal funds in positions which provide education, career training, and job specific skills necessary for gainful employment.

"(c) CONSULTATION.—An application submitted under section 130 shall also include an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 121 and any national service program supported by a grant made by the applicant using such assistance will—

"(1) provide in the design, recruitment, and operation of the program for broad-based input from the community served, individuals eligible to serve as participants in the program, community-based agencies with a demonstrated record of experience in providing services, and local labor organizations representing employees of service sponsors; and

"(2) in the case of a program that is not funded through a State, consult with and coordinate activities with the State Commission for the State in which the program operates.

"(d) EVALUATION AND PERFORMANCE GOALS.—

"(1) IN GENERAL.—An application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(A) arrange for an independent evaluation of any national service program carried out using assistance provided to the applicant under section 121;

"(B) develop measurable performance goals and evaluation methods (such as the use of surveys of participants and persons served), which are to be used as part of such evaluation to determine the impact of the program—

"(i) on communities and persons served by the projects performed by the program;

"(ii) on participants who take part in the projects; and

"(iii) in such other areas as the Corporation may require; and

"(C) cooperate with any evaluation activities undertaken by the Corporation.

"(2) ALTERNATIVE EVALUATION REQUIREMENTS.—The Corporation may establish alternative evaluation requirements for national service programs based upon the amount of assistance received under section 121 or received by a grant made by a recipient of assistance under such section. The determination of whether a national service program is covered by this paragraph shall be made in such manner as the Corporation may prescribe.

"(e) LIVING ALLOWANCES AND OTHER IN-SERVICE BENEFITS.—Except as provided in section 140(c), an application submitted under section 130 shall also include an assurance by the applicant that the applicant will—

"(1) provide a living allowance and other benefits specified in section 140 to participants in any national service program carried out by the applicant using assistance provided under section 121; and

"(2) require that each national service program that receives a grant from the applicant using such assistance will also provide a living allowance and other benefits specified in section 140 to participants in the program.

"(f) SELECTION OF PARTICIPANTS FROM INDIVIDUALS RECRUITED BY CORPORATION OR STATE COMMISSIONS.—The Corporation may also require an assurance by the applicant that any national service program carried out by the applicant using assistance provided under section 129(c)(2) and any national service program supported by a grant made by the applicant using such assistance will select a portion of the participants for the program from among prospective participants recruited by the Corporation or State Commissions under section 138(d). Applicants awarded grants under subsection (a) or (c)(1) of section 129 may select participants from among prospective participants recruited by the Corporation under section 138(d).

"SEC. 132. INELIGIBLE SERVICE CATEGORIES.

"An application submitted to the Corporation under section 130 shall include an assurance by the applicant that any national service program carried out using assistance provided under section 121 provided to an applicant will not be used to perform service that provides a direct benefit to any—

"(1) business organized for profit;

"(2) labor union;

"(3) partisan political organization;

"(4) organization engaged in religious activities, unless such service does not involve the use of assistance provided under section 121 or participants to give religious instruction, conduct worship services, or engage in any form of proselytization; or

"(5) organization whose primary purpose is to influence public policies or engage in legislative advocacy activities.

"SEC. 133. CONSIDERATION OF APPLICATIONS.

"(a) CORPORATION CONSIDERATION OF CERTAIN CRITERIA.—The Corporation shall apply the criteria described in subsections (c) and (d) in determining whether to approve an application submitted under section 130 and provide assistance under section 121 to the applicant.

"(b) APPLICATION TO SUBGRANTS.—A State or other entity that uses assistance provided under section 121(a) to support national service programs selected on a competitive basis to receive a share of the assistance shall use the criteria described in subsections (c) and (d) when considering an application submitted by a national service program to receive a portion of such assistance. The application of the State or other entity under section 130 shall contain—

"(1) a certification that the State or other entity complied with these criteria in the selection of national service programs to receive assistance;

"(2) a description of the jobs or positions into which participants will be placed using such assistance, including descriptions of specific tasks to be performed by such participants; and

"(3) a description of the minimum qualifications which individuals shall meet to become participants in such programs.

"(c) ASSISTANCE CRITERIA.—The criteria required to be applied in evaluating applications submitted under section 130 are as follows:

"(1) The quality of the national service program proposed to be carried out directly by the applicant or supported by a grant from the applicant.

"(2) The innovative aspects of the national service program, and the feasibility of replicating the program.

"(3) The sustainability of the national service program, based on evidence such as the existence—

"(A) of strong and broad-based community support for the program; and

"(B) of multiple funding sources or private funding for the program.

"(4) The quality of the leadership of the national service program, the past performance of the program, and the extent to which the program builds on existing programs.

"(5) The extent to which participants of the national service program are recruited from among residents of the communities in which projects are to be conducted, and the extent to which participants and community residents are involved in the design, leadership, and operation of the program.

"(6) The extent to which projects would be conducted in areas where such projects are needed most, such as—

"(A) communities designated as enterprise zones or redevelopment areas, targeted for special economic incentives, or otherwise identifiable as having high concentrations of low- income people;

"(B) areas that are environmentally distressed; or

"(C) areas adversely affected by reductions in defense spending or the closure or realignment of military installations.

"(7) In the case of applicants other than States, the extent to which the application is consistent with the application under section 130 of the State in which the projects would be conducted.

"(8) Such other criteria as the Corporation considers to be appropriate.

"(d) OTHER CONSIDERATIONS.—

"(1) GEOGRAPHIC DIVERSITY.—The Corporation shall ensure that recipients of assistance provided under section 121 are geographically diverse and include projects to be conducted in those urban and rural areas in a State with the highest rates of poverty.

"(2) PRIORITIES.—The Corporation may designate, under such criteria as may be established by the Corporation, certain national service programs or types of national service programs described in section 122(a) for priority consideration in the competitive distribution of funds under section 129(c).

"(3) REVIEW PANEL.—The Director shall establish panels of experts and practitioners for the purpose of securing recommendations on applications submitted under section 130 for more than $100,000 in assistance and consider the opinions of such panels prior to making such determinations.

"(e) REJECTION OF STATE APPLICATIONS.—

"(1) NOTIFICATION OF STATE APPLICANTS.—If the Corporation rejects an application submitted by a State Commission under section 130 for funds described in section 129(a)(1), the Corporation shall promptly notify the State Commission of the reasons for the rejection of the application.

"(2) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State Commission notified under paragraph (1) with a reasonable opportunity to revise and resubmit the application. At the request of the State Commission, the Corporation shall provide technical assistance to the State Commission as part of the resubmission process. The Corporation shall promptly reconsider an application resubmitted under this paragraph.

"(3) REALLOTMENT.—The amount of any State's allotment under section 129(a) for a fiscal year that the Corporation determines will not be used for that fiscal year shall be available for distribution by the Corporation as provided in paragraph (4) of such subsection.

"PART III—NATIONAL SERVICE PARTICIPANTS

"SEC. 137. DESCRIPTION OF PARTICIPANTS.

"(a) IN GENERAL.—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

"(1) meets minimal eligibility requirements, directly related to the tasks to be accomplished, established by the program;

"(2) is selected by the program to serve in a position with the program;

"(3) will serve in the program for a term of service specified in section 139;

"(4) is 17 years of age or older at the time the individual begins the term of service;

"(5)(A)(i) has received a high school diploma or its equivalent; or

"(ii) agrees to obtain a high school diploma or its equivalent and the individual did not drop out of an elementary or secondary school to enroll in the program; or

"(B)(i) is enrolled at an institution of higher education on the basis of meeting the standard described in paragraph (1) or (2) of section 484(d) of the Higher Education Act of 1965 (20 U.S.C. 1091(d)); and

"(ii) meets the requirements of section 484(a) of such Act; and

"(6) is a citizen of the United States or lawfully admitted for permanent residence.

"(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(2) or a program described in section 122(a)(9) that is carried out with assistance provided under section 121(a) if the individual—

"(1) satisfies the requirements specified in subsection (a), except paragraph (4) of such subsection; and

"(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

"(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(5)(A) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

"SEC. 138. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

"(a) SELECTION PROCESS.—Subject to subsections (b) and (c) and section 131(f), the actual recruitment and selection of an individual to serve in a national service program receiving assistance under section 121 shall be conducted by the State, subdivision of a State, Indian tribe, public or private not-for-profit organization, institution of higher education, Federal agency, or other entity to which the assistance is provided.

"(b) NONDISCRIMINATION AND NONPOLITICAL SELECTION OF PARTICIPANTS.—The recruitment and selection of individuals to serve in national service programs receiving assistance under section 121 shall be consistent with the requirements of section 175.

"(c) SECOND TERM.—Acceptance into a national service program to serve a second term of service under section 139 shall only be available to an individual who performs satisfactorily in the first term of service of such individual.

"(d) RECRUITMENT AND PLACEMENT.—The Corporation and each State Commission may establish a system to recruit individuals who desire to perform national service and to assist the placement of these individuals. The Corporation and State Commissions shall widely disseminate information regarding available national service opportunities.

"SEC. 139. TERMS OF SERVICE.

"(a) IN GENERAL.—A participant in a national service program shall be required to perform full- or part-time national service for at least one term of service specified in subsection (b).

"(b) TERM OF SERVICE.—

"(1) FULL-TIME SERVICE.—An individual performing full-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of not less than 9 months and not more than 1 year.

"(2) PART-TIME SERVICE.—An individual performing part-time national service in a national service program shall agree to participate in the program for not less than 1,700 hours during a period of—

"(A) not less than 1 year nor more than 2 years; or

"(B) not less than 1 year nor more than 3 years if the individual is enrolled in an institution of higher education while performing all or a majority of the hours of such service.

"(c) RELEASE FROM COMPLETING TERM OF SERVICE.—

"(1) RELEASE AUTHORIZED.—A recipient of assistance under section 121 may release a participant from completing a term of service in the program—

"(A) for compelling personal circumstances as demonstrated by the participant; or

"(B) for cause.

"(2) EFFECT OF RELEASE.—If the released participant was serving in a national service program which included post-service benefits, the participant may receive that portion of those benefits that corresponds to the quantity of the term of service actually completed by the individual, except that a participant released for cause may not receive any portion of a post-service benefit.

"SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.

"(a) PROVISION OF LIVING ALLOWANCE.—

"(1) LIVING ALLOWANCE PERMITTED.—Subject to paragraph (3), a national service program carried out using assistance provided under section 121 shall provide to each participant in the program a living allowance in such an amount as may be established by the program.

"(2) LIMITATION ON FEDERAL SHARE.—The amount of the annual living allowance provided under paragraph (1) that may be paid using assistance provided under section 121 and using any other Federal funds shall not exceed the lesser of—

"(A) 85 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(B) 85 percent of the annual living allowance established by the national service program involved.

"(3) MAXIMUM LIVING ALLOWANCE.—Except as provided in subsection (c), the total amount of an annual living allowance that may be provided to a participant in a national service program shall not exceed 150 percent of the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted.

"(4) PRORATION OF LIVING ALLOWANCE.—The amount provided as a living allowance under this subsection shall be prorated in the case of a participant who is authorized to serve a reduced term of service under section 139(b)(3).

"(5) CHOICE BETWEEN BENEFITS.—Individuals receiving benefits or assistance under any Federal, State, or local program financed in whole or in part with Federal funds, at the time of enrollment in a national service program, shall choose between receiving the living allowance under this subsection (which shall be taken into account in determining continued eligibility for such assistance) and other benefits provided to national service participants (in lieu of the Federal, State, or local governmental benefits) or a cash allowance of $250 per month for full-time participation and $125 per month for part-time participation, which shall not be taken into account in determining the need or eligibility of any person for benefits or assistance or the amount of such benefits or assistance, under any Federal, State, or local program financed in whole or in part with Federal funds.

"(b) COVERAGE OF CERTAIN EMPLOYMENT-RELATED TAXES.—To the extent a national service program that receives assistance under section 121 is subject, with respect to the participants in the program, to the taxes imposed on an employer under sections 3111 and 3301 of the Internal Revenue Code of 1986 (26 U.S.C. 3111, 3301) and taxes imposed on an employer under a workmen's compensation act, the assistance provided to the program under section 121 shall include an amount sufficient to cover 85 percent of such taxes based upon the lesser of—

"(1) the prevailing minimum wage (which in no event may be less than the applicable minimum wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206)) in the area in which the program is being conducted; and

"(2) the annual living allowance established by the program.

"(c) PROFESSIONAL CORPS.—With respect to a State or other recipient of assistance under section 121 that desires to place a professional corps member, as described in section 122(a)(8), in a position in a national service program, the allocation of Federal funds described in subsection (a)(2)(A) for the position shall be made under regulations developed by the Corporation which are consistent with those applicable to allocation procedures of professional corps programs determined by the Corporation to be similar (such as the Teacher Corps, the Public Health Service Corps or the Police Corps).

"(d) HEALTH INSURANCE.—A State or other recipient of assistance under section 121 shall provide a basic health care policy for each full-time participant in a national service program carried out or supported using the assistance if the participant is not otherwise covered by a health care policy. Not more than 85 percent of the cost of a premium shall be provided by the Corporation, with the remaining cost paid by the entity receiving assistance under section 121. The Corporation shall establish minimum standards that all plans shall meet in order to qualify for payment under this part, any circumstances in which an alternative health care policy may be substituted for the basic health care policy, and mechanisms to prohibit participants from dropping existing coverage.

"(e) CHILD CARE.—

"(1) AVAILABILITY.—A State or other recipient of assistance under section 121 shall—

"(A) make child care available for children of each full-time participant who needs child care in order to participate in the national service program carried out or supported by the recipient using the assistance; or

"(B) provide a child care allowance to each full-time participant in a national service program who needs such assistance in order to participate in the program.

"(2) GUIDELINES.—The Corporation shall establish guidelines regarding the circumstances under which child care must be made available under this subsection and the value of any allowance to be provided.

"(f) WAIVER OF LIMITATION ON FEDERAL SHARE.—The Corporation may waive in whole or in part the limitation on the Federal share specified in this section with respect to a particular national service program in any fiscal year if the Corporation determines that such a waiver would be equitable due to a demonstrated lack of available financial resources at the local level as demonstrated through documented efforts submitted to the Corporation.

"SEC. 141. POST-SERVICE STIPENDS.

"(a) PART-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each part-time participant a nontransferable post-service benefit that is equal in value to $750 for each year of service that such participant provides to the program.

"(2) WAIVER.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(b) FULL-TIME.—

"(1) FEDERAL SHARE.—The Corporation shall annually provide to each full-time participant a nontransferable post-service benefit for each year of service that such participant provides to the program, which benefit shall be equal in value to $1,500 for each such year.

"(2) STATE SHARE.—A State may apply for a waiver to reduce the amount of the post-service benefit to an amount that is equal to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of post-service benefits provided under paragraph (1) to an amount in excess of that described in such paragraph.

"(c) POST-SERVICE BENEFIT.—

"(1) PART-TIME.—A post-service benefit provided under subsection (a) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(2) FULL-TIME.—A post-service benefit provided under subsection (b) shall only be used for—

"(A) payment of a student loan from Federal or non-Federal sources;

"(B) tuition, room and board, books and fees, and other costs associated with the cost of attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education

on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency; or

"(C) any other educational purpose determined appropriate by the Corporation.

"(d) REGULATION.—The Director shall by regulation specify procedures for the disbursal of post-service benefits provided under this section.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle C of title I of such Act and inserting the following new items:

"Subtitle C—National Service Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance.
"Sec. 122. Types of national service programs eligible for program assistance.
"Sec. 123. Demonstration efforts concerning educational or other post-service benefits.
"Sec. 124. Types of program assistance.
"Sec. 125. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance by competitive and other means.
"Sec. 130. Application for assistance.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. Post-service stipends.".

SEC. 122. TRANSITION.

With respect to national service programs (as defined in section 101(15) of the National and Community Service Act of 1990) established under the provisions referred to in section 201(a), individuals who become participants in such programs after the date of enactment of this Act shall be eligible to use the post-service benefits to which such participants are eligible under such provisions only for the uses described in section 141(c)(2) of the National and Community Service Act of 1990 (as amended by this Act).

Subtitle D—Quality and Innovation

SEC. 131. QUALITY AND INNOVATION ACTIVITIES.

(a) REPEAL.—Subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) is repealed.

(b) INVESTMENT FOR QUALITY AND INNOVATION.—Title I of the National and Community Service Act of 1990 is amended by inserting after subtitle C (42 U.S.C. 12541 et seq.) the following new subtitle:

"Subtitle D—Investment for Quality and Innovation

"SEC. 145. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE AND VOLUNTEER PROGRAMS.

"(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may carry out this section directly or through grants, contracts, and cooperative agreements with other entities.

"(b) INNOVATION AND QUALITY IMPROVEMENT.—The Corporation may undertake activities to improve the quality of national service and volunteer programs and to support innovative and model programs, including the provision of training and technical assistance to—

"(1) service sponsors, including community-based agencies, that provide placements of participants and other volunteers, in order to improve the ability of such sponsors and agencies to use participants and other volunteers in a manner that results in high quality service and a positive service experience for the participants and volunteers; and

"(2) individuals, programs, State agencies, State Commissions, local governments, local educational agencies, community-based agencies, and other entities to enable them to apply for funding from the Corporation, to conduct high quality programs, to evaluate such programs, and for other purposes.

"SEC. 146. CLEARINGHOUSES.

"(a) ASSISTANCE.—The Corporation shall provide assistance to appropriate entities to establish one or more clearinghouses.

"(b) APPLICATION.—To be eligible to receive assistance under subsection (a), an entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(c) FUNCTION OF CLEARINGHOUSES.—An entity that receives assistance under subsection (a) may—

"(1) assist entities carrying out State or local national service programs or volunteer programs (including service-learning programs);

"(2) conduct research and evaluations;

"(3) provide leadership development and training to appropriate persons;

"(4) facilitate communication among appropriate persons;

"(5) provide information, curriculum materials, and technical assistance to appropriate entities;

"(6) gather and disseminate information;

"(7) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(8) make recommendations to appropriate entities on quality controls to improve the delivery of services; and

"(9) carry out such other activities as the Director determines to be appropriate.".

(c) QUALITY AND INNOVATION.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle D of title I of such Act and inserting the following:

"Subtitle D—Investment for Quality and Innovation

"Sec. 145. Additional corporation activities to support national service and volunteer programs.
"Sec. 146. Clearinghouses.".

Subtitle E—Civilian Community Corps

SEC. 141. CIVILIAN COMMUNITY CORPS.

(a) REPEAL AND TRANSFER.—

(1) REPEAL.—Subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12591 et seq.) is repealed.

(2) TRANSFER.—Title I of the National and Community Service Act of 1990 is amended—

(A) by redesignating subtitle H (42 U.S.C. 12653 et seq.) as subtitle E;

(B) by inserting subtitle E (as redesignated by subparagraph (A) of this paragraph) after subtitle D; and

(C) by redesignating sections 195 through 195O as sections 151 through 166, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) Section 1091(f)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking "195G" and inserting "158".

(B) Paragraphs (1) and (2) of section 1092(b), and sections 1092(c), 1093(a), and 1094(a) of such Act are amended by striking "195A" and inserting "152".

(C) Sections 1091(f)(2), 1092(b)(1), and 1094(a), and subsections (a) and (c) of section 1095 of such Act are amended by striking "subtitle H" and inserting "subtitle E".

(D) Section 1094(b)(1) and subsections (b) and (c)(1) of section 1095 of such Act are amended by striking "subtitles B, C, D, E, F, and G" and inserting "subtitles B, C, D, F, and G".

(2) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) Section 153(a) of the National and Community Service Act of 1990 (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653b(a)) is amended by striking "195A(a)" and inserting "152(a)".

(B) Section 154(a) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653c(a)) is amended by striking "195A(a)" and inserting "152(a)".

(C) Section 155 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653d) is amended—

(i) in subsection (a), by striking "195H(c)(1)" and inserting "159(c)(1)";

(ii) in subsection (c)(2), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(iii) in subsection (d)(3), by striking "195K(a)(3)" and inserting "162(a)(3)".

(D) Section 156 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653e) is amended—

(i) in subsection (c)(1), by striking "195H(c)(2)" and inserting "159(c)(2)"; and

(ii) in subsection (d), by striking "195K(a)(3)" and inserting "162(a)(3)".

(E) Section 159 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653h) is amended—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking "195A" and inserting "152"; and

(II) in paragraph (2), by striking "195" and inserting "151"; and

(ii) in subsection (c)(2)(C)(i), by striking "195K(a)(2)" and inserting "section 162(a)(2)".

(F) Section 161(b)(1)(B) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653j(b)(1)(B)) is amended by striking "195K(a)(3)" and inserting "162(a)(3)".

(G) Section 162(a)(2)(A) of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653k(a)(2)(A)) is amended by striking "195(3)" and inserting "151(3)".

(H) Section 166 of such Act (as redesignated in subsection (a)(2)(C) of this section) (42 U.S.C. 12653o) is amended—

(i) in paragraph (2), by striking "195D" and inserting "155";

(ii) in paragraph (8), by striking "195A" and inserting "152";

(iii) in paragraph (10), by striking "195D(d)" and inserting "155(d)"; and

(iv) in paragraph (11), by striking "195D(c)" and inserting "155(c)".

(c) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the items relating to subtitle E of title I of such Act and inserting the following:

"Subtitle E—Civilian Community Corps

"Sec. 151. Purpose.

Subtitle F—Administration

SEC. 151. REPORTS.

Section 172 of the National and Community Service Act of 1990 (42 U.S.C. 12632) is amended—

(1) in subsection (a)(3)(A), by striking "sections 177 and 113(9)" and inserting "section 177"; and

(2) in subsection (b)(1), by striking "this title" and inserting "this Act".

SEC. 152. NONDISCRIMINATION.

Section 175 of the National and Community Service Act of 1990 (42 U.S.C. 12635) is amended to read as follows:

"SEC. 175. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) BASIS.—An individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate against a participant in, or member of the staff of, such project on the basis of race, color, national origin, sex, age, or political affiliation of such participant or member, or on the basis of disability, if the participant or member is a qualified individual with a disability.

"(2) DEFINITION.—As used in paragraph (1), the term 'qualified individual with a disability' has the meaning given the term in section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)).

"(b) FEDERAL FINANCIAL ASSISTANCE.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(c) RELIGIOUS DISCRIMINATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual with responsibility for the operation of a project that receives assistance under this title shall not discriminate on the basis of religion against a participant in such project or a member of the staff of such project who is paid with funds received under this title.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the employment, with assistance provided under this title, of any member of the staff, of a project that receives assistance under this title, who was employed with the organization operating the project on the date the grant under this title was awarded.

"(d) RULES AND REGULATIONS.—The Director shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.".

SEC. 153. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) CONSTRUCTION.—Section 176(e) of such Act (42 U.S.C. 12636(e)) is amended by adding before the period the following ", other than assistance provided pursuant to this Act".

(b) GRIEVANCE PROCEDURE.—Section 176(f) of such Act is amended to read as follows:

"(f) GRIEVANCE PROCEDURE.—

"(1) IN GENERAL.—A State or local applicant that receives assistance under this title shall establish and maintain a procedure for the filing and adjudication of grievances from participants, labor organizations, and other interested individuals concerning projects that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

"(2) DEADLINE FOR GRIEVANCES.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence of the event that is the subject of the grievance.

"(3) DEADLINE FOR HEARING AND DECISION.—

"(A) HEARING.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of such grievance.

"(B) DECISION.—A decision on any such grievance shall be made not later than 60 days after the filing of such grievance.

"(4) ARBITRATION.—

"(A) IN GENERAL.—In the event of a decision on a grievance that is adverse to the party who filed such grievance, or 60 days after the filing of such grievance if no decision has been reached, such party shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

"(B) DEADLINE FOR PROCEEDING.—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration proceeding.

"(C) DEADLINE FOR DECISION.—A decision concerning a grievance shall be made not later than 30 days after the date such arbitration proceeding begins.

"(D) COST.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

"(5) PROPOSED PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant in a project that receives assistance under this title, such placement shall not be made unless the placement is consistent with the resolution of the grievance pursuant to this subsection.

"(6) REMEDIES.—Remedies for a grievance filed under this subsection include—

"(A) suspension of payments for assistance under this title;

"(B) termination of such payments;

"(C) prohibition of the placement described in paragraph (5); and

"(D) in a case in which the grievance involves a violation of subsection (a) or (b) of section 177 and the employer of the displaced employee is the recipient of assistance under this title—

"(i) reinstatement of the displaced employee to the position held by such employee prior to displacement;

"(ii) payment of lost wages and benefits of the displaced employee; and

"(iii) reestablishment of other relevant terms, conditions, and privileges of employment of the displaced employee.

"(7) ENFORCEMENT.—Suits to enforce arbitration awards under this section may be brought in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy and without regard to the citizenship of the parties. Such a court shall give due deference to the decision of the arbitrator.".

SEC. 154. NONDISPLACEMENT.

Section 177(b)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)(3)) is amended—

(1) in subparagraph (B), to read as follows:

"(B) SUPPLANTATION OF HIRING.—A participant in any program receiving assistance under this title shall not perform any services or duties, or engage in activities, that—

"(i) will supplant the hiring of employed workers; or

"(ii) are services, duties, or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures."; and

(2) in subparagraph (C)(iii), to read as follows:

"(iii) employee who—

"(I) is subject to a reduction in force; or

"(II) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;".

SEC. 155. EVALUATION.

Section 179 of the National and Community Service Act of 1990 (42 U.S.C 12639) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "this title" and inserting "this Act"; and

(B) in paragraph (2), to read as follows:

"(2) for purposes of the reports required by subsection (j), the impact of such programs, in each State in which such a program is conducted, on the activities carried out under, and the effectiveness of, the national service and volunteer programs; and";

(2) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking "subtitle D" and inserting "this Act";

(B) in paragraph (3), to read as follows:

"(3) encouraging each participant and volunteer to continue involvement in public and community service;"; and

(C) in paragraph (9), to read as follows:

"(9) attracting a greater number of citizens to public service.";

(3) by striking subsections (i) and (j); and

(4) by adding at the end the following:

"(i) INDEPENDENT EVALUATION AND REPORT OF DEMOGRAPHICS OF NATIONAL SERVICE PARTICIPANTS AND COMMUNITIES.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The Corporation shall, on an annual basis, arrange for an independent evaluation of the programs assisted under subtitle C.

"(B) PARTICIPANTS.—

"(i) IN GENERAL.—The entity conducting such evaluation shall determine the demographic characteristics of the participants in such programs.

"(ii) CHARACTERISTICS.—The entity shall determine, for the year covered by the evaluation, the total number of participants in the programs, and the number of participants within the programs in such State, by sex, age, economic background, education level, ethnic group, disability classification, and geographic region.

"(iii) CATEGORIES.—The Corporation shall determine appropriate categories for analysis of each of the characteristics referred to in clause (ii) for purposes of such an evaluation.

"(C) COMMUNITIES.—In conducting the evaluation, the entity shall determine the amount of assistance provided under section 121 during the year that has been expended for projects conducted under the programs in areas described in section 133(c)(6).

"(2) REPORT.—The entity conducting the evaluation shall submit a report to the President, Congress, the Corporation, and each State Commission containing the results of the evaluation—

"(A) with respect to the evaluation covering the year beginning on the date of enactment of this subsection, not later than 18 months after such date; and

"(B) with respect to the evaluation covering each subsequent year, not later than 18 months after the first day of each such year.".

SEC. 156. CONTINGENT EXTENSION.

(a) IN GENERAL.—Section 181 of the National and Community Service Act of 1990 (42 U.S.C. 12641) is amended to read as follows:

"SEC. 181. CONTINGENT EXTENSION.

"Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 181 of such Act and inserting the following:

"Sec. 181. Contingent extension.".

SEC. 157. AUDITS.

(a) IN GENERAL.—Section 183 of the National and Community Service Act of 1990 (42 U.S.C. 12643) is amended to read as follows:

"SEC. 183. AUDITS.

"For purposes of the application of chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984') to State and local governments that receive financial assistance under this Act—

"(1) each program through which the State or local government receives such assistance shall be deemed to be a major Federal assistance program;

"(2) each audit conducted under such chapter with respect to a program shall be conducted annually;

"(3) each audit conducted under such chapter shall be conducted in accordance with the requirements of such chapter and the requirements of the regulations prescribed pursuant to section 7505 of such title, and with such requirements as the Comptroller General may specify; and

"(4) the provisions of section 422 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5062) shall apply with respect to maintenance of books, documents, papers, and records for such audits, in the same manner and to the same extent as such provisions apply to books, documents, papers, and records maintained for audits under such Act.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 183 of such Act and inserting the following:

"Sec. 183. Audits.".

SEC. 158. REPEALS.

(a) IN GENERAL.—Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.) is amended—

(1) by repealing sections 171, 185, and 186;

(2) by redesignating section 184 as section 171; and

(3) by inserting section 171 (as redesignated in paragraph (2) of this subsection) before section 172.

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended—

(1) by striking the item relating to section 171 and inserting the following:

"Sec. 171. Drug-free workplace requirements.";

and

(2) by striking the items relating to sections 184 and 185 of such Act.

Subtitle G—Organization

SEC. 161. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) COMPOSITION AND DUTIES OF STATE COMMISSIONS.—Subtitle F of title I of the National and Community Service Act of 1990 is amended by striking section 178 (42 U.S.C. 12638) and inserting the following new section:

"SEC. 178. STATE COMMISSIONS FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"(a) EXISTENCE REQUIRED.—

"(1) STATE COMMISSION.—Except as provided in paragraph (2), to be eligible to receive a grant or allotment under subtitle B or C, a State shall maintain a State Commission for National Service and Community Volunteers that satisfies the requirements of this section.

"(2) ALTERNATIVE ADMINISTRATIVE ENTITY.—The chief executive officer of a State may apply to the Corporation for approval to use an alternative administrative entity (including an entity in existence on the date of enactment of this section) to carry out the duties otherwise entrusted to a State Commission under this Act. The chief executive officer shall ensure that any alternative administrative entity used in lieu of a State Commission still provides for representatives described in subsection (c)(1) to play a significant policy-making role in carrying out the duties otherwise entrusted to a State Commission, including the submission of applications on behalf of the State under sections 113 and 130.

"(b) APPOINTMENT AND SIZE.—The members of a State Commission for a State shall be appointed by the chief executive officer of the State. A State Commission shall consist of not less than 7 voting members and not more than 21 voting members.

"(c) COMPOSITION AND MEMBERSHIP.—

"(1) RECOMMENDED MEMBERS.—The State Commission for a State may include as voting members representatives from the following categories:

"(A) National service programs, such as a youth corps program described in section 122(a)(2), and a program in which older adults are participants.

"(B) Volunteer programs, such as a Retired Senior Volunteer Program under part A of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), senior companion program under part C of title II of such Act (42 U.S.C. 5013 et seq.), or service-learning program under subtitle B.

"(C) Local governments in the State.

"(D) Community-based organizations.

"(E) Participants in service programs who are youth.

"(F) Participants in volunteer service programs who are older adults.

"(G) Educators.

"(H) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

"(I) Businesses and business groups.

"(J) Local labor organizations.

"(2) COMPOSITION.—The chief executive officer of a State shall ensure that the membership of the State Commission for the State is diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(3) EX OFFICIO STATE REPRESENTATIVES.—The chief executive officer of a State may appoint ex officio nonvoting members of the State Commission.

"(4) LIMITATION ON NUMBER OF STATE EMPLOYEES AS MEMBERS.—The number of voting members of a State Commission selected under paragraph (1) who are officers or employees of the State may not exceed 25 percent (reduced to the nearest whole number) of the total membership of the State Commission.

"(d) MISCELLANEOUS MATTERS.—

"(1) MEMBERSHIP BALANCE.—The chief executive officer of a State shall ensure that not more than 50 percent of the voting members of a State Commission, plus one additional member, are from the same political party.

"(2) TERMS.—Each member of the State Commission for a State shall serve for a term of 3 years, except that the chief executive officer of a State shall initially appoint a portion of the members to terms of 1 year and 2 years.

"(3) VACANCIES.—As vacancies occur on a State Commission, new members shall be appointed by the chief executive of the State and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the State Commission.

"(4) COMPENSATION.—A member of a State Commission or alternative administrative entity shall not receive any additional compensation by reason of service on the State Commission or alternative administrative entity, except that the State may authorize the reimbursement of travel expenses, including a per diem in lieu of subsistence, in the same manner as other employees serving intermittently in the service of the State.

"(5) CHAIRPERSON.—The voting members of a State Commission shall elect one of the voting members to serve as chairperson of the State Commission.

"(e) DUTIES OF A STATE COMMISSION.—The State Commission or alternative administrative entity for a State shall be responsible for the following duties:

"(1) Preparing, submitting to the Corporation, and obtaining approval of, a national service and volunteer strategic plan for the national service programs and volunteer programs to be carried out in the State that—

"(A) covers a 3-year period;

"(B) is updated annually; and

"(C) contains such information as the State Commission or alternative administrative entity considers to be appropriate and as the Corporation may require.

"(2) Preparing, submitting to the Corporation, and obtaining approval of, the applications of the State under sections 113 and 130 for financial assistance.

"(3) Assisting in the provision of health care and child care benefits under section 140 to participate in national service programs that receive assistance under subtitle C in the State.

"(4) Developing a State system for the—

"(A) recruitment of participants and volunteers for, and placement of participants and volunteers in—

"(i) national service programs under this Act in the State, other than activities that receive assistance under section 123; or

"(ii) volunteer programs under this Act in the State; and

"(B) dissemination of information concerning programs that receive assistance under this Act.

"(5) Administering the grant programs in support of—

"(A) national service programs that are conducted by the State using assistance provided to the State under subtitle C; and

"(B) volunteer programs that are conducted by the State using assistance provided to the State under subtitle B,

including selection, oversight, and evaluation of grant recipients.

"(6) Developing projects, training methods, curriculum materials, and other materials and activities related to—

"(A) national service programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act; and

"(B) volunteer programs in the State that receive assistance directly from the Corporation or from the State using assistance provided under this Act.

"(f) ACTIVITY INELIGIBLE FOR ASSISTANCE.—A State Commission or alternative administrative entity may not directly carry out any national service program that receives assistance under subtitle C.

"(g) DELEGATION.—Subject to such requirements as the Corporation may prescribe, a State Commission may delegate nonpolicymaking duties to a State agency or public or private not-for-profit organization.

"(h) APPROVAL OF STATE COMMISSION OR ALTERNATIVE.—

"(1) SUBMISSION TO CORPORATION.—The chief executive officer for a State shall notify the Corporation of the establishment or designation of the State Commission or use of an alternative administrative entity for the State. The notification shall include a description of—

"(A) the composition and membership of the State Commission or alternative administrative entity; and

"(B) the authority of the State Commission or alternative administrative entity regarding national service and volunteer activities carried out by the State.

"(2) APPROVAL OF ALTERNATIVE ADMINISTRATIVE ENTITY.—Any designation of a State Commission or use of an alternative administrative entity to carry out the duties of a State Commission shall be subject to the approval of the Corporation.

"(3) REJECTION.—The Corporation may reject a State Commission if the Corporation determines that the composition, membership, or duties of the State Commission do not comply with the requirements of this section. The Corporation may reject a request to use an alternative administrative entity in lieu of a State Commission if the Corporation determines that the duties of the entity do not comply with the requirements of this section or that the use of the alternative administrative entity does not allow individuals described in subsection (c)(1) to play a significant policymaking role in carrying out the duties otherwise entrusted to a State Commission. The Corporation shall reject a State Commission or alternative administrative entity if the Commission or entity fails to demonstrate that the Commission or entity has sufficient authority to carry out the duties described in subsection (d). If the Corporation rejects a State Commission or alternative administrative entity under this paragraph, the Corporation shall promptly notify the State of the reasons for the rejection.

"(4) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (3) with a reasonable opportunity to revise the rejected State Commission or alternative administrative entity. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of a notification under paragraph (1) or application to use an alternative administrative entity under paragraph (2).

"(5) SUBSEQUENT CHANGES.—This subsection shall also apply to any change in the composition or duties of a State Commission or an alternative administrative entity made after approval of the State Commission or the alternative administrative entity.

"(i) REVIEW AND APPROVAL OF STRATEGIC PLANS.—

"(1) REVIEW.—The Corporation shall review and approve strategic plans submitted by State Commissions and alternative administrative entities under this section.

"(2) REJECTION.—The Corporation may reject such a strategic plan if the Corporation determines that the plan does not meet the requirements of this Act, the Domestic Volunteer Service Act of 1973, part B of title XI of the Higher Education Act of 1965, and Public Law 91–378. If the Corporation rejects such a strategic plan, the Corporation shall promptly notify the State of the reasons for the rejection.

"(3) RESUBMISSION AND RECONSIDERATION.—The Corporation shall provide a State notified under paragraph (2) with a reasonable opportunity to revise the rejected plan. At the request of the State, the Corporation shall provide technical assistance to the State as part of the revision process. The Corporation shall promptly reconsider any resubmission of such a plan.

"(4) SUBSEQUENT CHANGES.—This subsection shall also apply to any update of such a strategic plan made after approval of the plan.

"(j) LIABILITY.—

"(1) LIABILITY OF STATE.—Except as provided in paragraph (2)(B), a State shall agree to assume liability with respect to any claim arising out of or resulting from any act or omission by a member of the State Commission or alternative administrative entity of the State, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(2) OTHER CLAIMS.—

"(A) IN GENERAL.—A member of the State Commission or alternative administrative entity shall have no personal liability with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the State Commission or alternative administrative entity.

"(B) LIMITATION.—This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the State Commission or alternative administrative entity.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such service;

"(B) to affect any other right or remedy against the State under applicable law, or against any person other than a member of the State Commission or alternative administrative entity; or

"(C) to limit or alter in any way the immunities that are available under applicable law for State officials and employees not described in this subsection.".

(b) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101–610; 104 Stat. 3127) is amended by striking the item relating to section 178 and inserting the following new item:

"Sec. 178. State Commissions for National Service and Community Volunteers.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 162. INTERIM AUTHORITIES OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND ACTION AGENCY.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subtitle G of title I of the National and Community Service Act of 1990 (42 U.S.C. 12651) is amended to read as follows:

"SEC. 191. CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

"There is established a Corporation for National Service and Community Volunteers that shall administer the programs established under this Act. The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

"SEC. 192. BOARD OF DIRECTORS.

"(a) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—

"(A) APPOINTMENT.—There shall be in the Corporation a Board of Directors (hereafter referred to in this subtitle as the 'Board') that shall be composed of—

"(i) 9 members appointed by the President with the advice and consent of the Senate; and

"(ii) the Director, who shall serve as an ex officio nonvoting member of the Board.

"(B) QUALIFICATIONS.—To the maximum extent practicable, the President shall appoint members—

"(i) who have extensive experience in volunteer and service programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse with respect to race, ethnicity, age, gender, and geographic residence.

"(2) POLITICAL PARTIES.—Not more than 5 members of the Board shall be from the same political party.

"(3) NOMINATIONS.—Two members of the Board shall be appointed from among individuals nominated jointly by the Speaker and the Minority Leader of the House of Representatives, and 2 of such members shall be appointed from among individuals nominated jointly by the Majority Leader and Minority Leader of the Senate.

"(b) TERMS.—Each appointed member of the Board shall serve for a term of 3 years, except that 3 of the members first appointed to the Board after the date of enactment of this section shall serve for a term of 1 year and 3 shall serve for a term of 2 years, as designated by the President.

"(c) VACANCIES.—As vacancies occur on the Board, new members shall be appointed by the President, by and with the advice and consent of the Senate, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"SEC. 192A. AUTHORITIES AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall elect a chairperson and vice

chairperson from among its membership. The Director shall not be eligible to serve as the chairperson or vice chairperson.

"(b) OTHER OFFICERS.—The Board may elect from among its membership such additional officers for the Board as the Board determines to be appropriate.

"(c) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings if 6 members of the Board request such meetings in writing. A majority of the appointed members of the Board shall constitute a quorum.

"(d) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for persons employed intermittently in the Government service.

"(e) SPECIAL GOVERNMENT EMPLOYEES.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, and any other provision of Federal law, a member of the Board (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

"(f) STATUS OF MEMBERS.—

"(1) TORT CLAIMS.—For the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a member of the Board shall be considered to be a Federal employee.

"(2) OTHER CLAIMS.—A member of the Board has no personal liability under Federal law with respect to any claim arising out of or resulting from any act or omission by such person, within the scope of the service of the member on the Board, in connection with any transaction involving the provision of financial assistance by the Corporation. This paragraph shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Board.

"(3) EFFECT ON OTHER LAW.—This subsection shall not be construed—

"(A) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions;

"(B) to affect any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a member of the Board participating in such transactions; or

"(C) to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.

"(g) DUTIES.—The Board shall—

"(1) review and approve the strategic plan described in section 193A(b)(1), and annual updates of the plan;

"(2) review and approve the proposal described in section 193A(b)(2)(A), with respect to the grants, allotments, contracts, financial assistance, and payments referred to in such section;

"(3) review and approve the proposal described in section 193A(b)(3)(A), regarding the regulations, standards, policies, procedures, programs, and initiatives referred to in such section;

"(4) review and approve the evaluation plan described in section 193A(b)(4)(A);

"(5)(A) review, and advise the Director regarding, the actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) inform the Director of any aspects of the actions of the Director that are not in compliance with the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3), or the plan referred to in paragraph (4), or are not consistent with the objectives of this Act;

"(6) receive, and act on, the reports issued by the Inspector General of the Corporation;

"(7) make recommendations relating to a program of research for the Corporation with respect to national service and volunteer programs, including service-learning programs;

"(8) advise the President and the Congress concerning developments in national service and volunteer programs that merit the attention of the President and the Congress;

"(9) ensure effective dissemination of information regarding the programs and initiatives of the Corporation; and

"(10) carry out any other activities determined to be appropriate by the Director.

"(h) ADMINISTRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

"SEC. 193. DIRECTOR.

"(a) APPOINTMENT.—There shall be in the Corporation a Director of the Corporation, and who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Director shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) REGULATIONS.—The Director shall prescribe such rules and regulations as are necessary or appropriate to carry out this Act.

"SEC. 193A. AUTHORITIES AND DUTIES OF THE DIRECTOR.

"(a) GENERAL POWERS AND DUTIES.—The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Corporation that are not reserved to the Board, and shall have authority and control over all personnel of the Corporation.

"(b) DUTIES.—In addition to the duties conferred on the Director under any other provision of this Act, the Director shall—

"(1) prepare and submit to the Board a strategic plan every 5 years, and annual updates of the plan, for the Corporation with respect to the major functions and operations of the Corporation;

"(2)(A) prepare and submit to the Board a proposal with respect to such grants and allotments, contracts, and other financial assistance, as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(2), make such grants and allotments, enter into such contracts, award such other financial assistance, and make such payments (in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out this Act;

"(3)(A) prepare and submit to the Board a proposal regarding, the regulations established under section 195(a)(3)(B)(i), and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate to carry out this Act; and

"(B) after receiving and reviewing an approved proposal under section 192A(g)(3)—

"(i) establish such standards, policies, and procedures as are necessary or appropriate to carry out this Act; and

"(ii) establish and administer such programs and initiatives as are necessary or appropriate to carry out this Act;

"(4)(A) prepare and submit to the Board a plan for the evaluation of programs established under this Act, in accordance with section 179; and

"(B) after receiving an approved proposal under section 192A(g)(4)—

"(i) establish measurable performance goals and objectives for such programs, in accordance with section 179; and

"(ii) provide for periodic evaluation of such programs to assess the manner and extent to which the programs achieve the goals and objectives, in accordance with such section;

"(5) consult with appropriate Federal agencies in administering the programs and initiatives;

"(6) suspend or terminate payments described in paragraph (2)(B), in accordance with section 176;

"(7) prepare and submit to the Board an annual report, and such interim reports as may be necessary, describing the major actions of the Director with respect to the personnel of the Corporation, and with respect to such standards, policies, procedures, programs, and initiatives;

"(8) inform the Board of, and provide an explanation to the Board regarding, any substantial differences between—

"(A) the actions of the Director; and

"(B)(i) the strategic plan approved by the Board under section 192A(g)(1);

"(ii) the proposals approved by the Board under paragraph (2) or (3) of section 192A(g); or

"(iii) the plan approved by the Board under section 192A(g)(4); and

"(9) prepare and submit to the appropriate committees of Congress an annual report, and such interim reports as may be necessary, describing—

"(A) the services referred to in paragraph (1), and the money and property referred to in paragraph (2), of section 196(a) that have been accepted by the Corporation;

"(B) the manner in which the Corporation used or disposed of such services, money, and property; and

"(C) information on the results achieved by the programs funded under this Act during the year preceding the year in which the report is prepared.

"(c) POWERS.—In addition to the authority conferred on the Director under any other provision of this Act, the Director may—

"(1) establish, alter, consolidate, or discontinue such organizational units or components within the Corporation as the Director considers necessary or appropriate;

"(2) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act;

"(3) with their consent, utilize the services and facilities of Federal agencies with or without reimbursement, and, with the consent of any State, or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions with or without reimbursement;

"(4) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act, including expenditure for construction, repairs, and capital improvements;

"(5) disseminate, without regard to the provisions of section 3204 of title 39, United

States Code, data and information, in such form as the Director, upon the recommendation of the Board, shall determine to be appropriate to public agencies, private organizations, and the general public;

"(6) collect or compromise all obligations to or held by the Director and all legal or equitable rights accruing to the Director in connection with the payment of obligations in accordance with chapter 37 of title 31, United States Code (commonly known as the 'Federal Claims Collection Act of 1966');

"(7) expend funds made available for purposes of this Act, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Director;

"(8) file a civil action in any court of record of a State having general jurisdiction or in any district court of the United States, with respect to a claim arising under this Act;

"(9) exercise the authorities of the Corporation under section 196; and

"(10) generally perform functions and take steps consistent with the objectives and provisions of this Act.

"(d) DELEGATION.—

"(1) DEFINITION.—As used in this subsection, the term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(2) IN GENERAL.—Except as otherwise prohibited by law or provided in this Act, the Director may delegate any function under this Act, and authorize such successive redelegations of such function as may be necessary or appropriate. No delegation of a function by the Director under this subsection or under any other provision of this Act shall relieve such Director of responsibility for the administration of such function.

"(3) FUNCTION OF BOARD.—The Director may not delegate a function of the Board without the permission of the Board.

"(e) ACTIONS.—In an action described in subsection (c)(8)—

"(1) a district court referred to in such subsection shall have jurisdiction of such a civil action without regard to the amount in controversy;

"(2) such an action brought by the Director shall survive notwithstanding any change in the person occupying the office of Director or any vacancy in that office;

"(3) no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Director or the Board or property under the control of the Director or the Board; and

"(4) nothing in this section shall be construed to except litigation arising out of activities under this Act from the application of sections 509, 517, 547, and 2679 of title 28, United States Code.

"SEC. 194. MANAGEMENT.

"(a) MANAGEMENT.—

"(1) IN GENERAL.—After receiving and reviewing the recommendations of the Board, the Director shall devise a management structure for the Corporation, and shall appoint, in accordance with section 195, such fiscal, legal, administrative, and program personnel as are needed to carry out the responsibilities of the Corporation.

"(2) DIVISIONS.—In establishing the management structure of the Corporation, the Director shall appoint individuals who shall be primarily responsible for—

"(A) the national service programs; and

"(B)(i) volunteer programs that are service-learning programs;

"(ii) volunteer programs that are senior programs; and

"(iii) volunteer programs that are Federal volunteer programs.

"(b) INSPECTOR GENERAL.—

"(1) OFFICE.—There shall be in the Corporation an Office of the Inspector General.

"(2) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed by the Director.

"(3) COMPENSATION.—The Inspector General shall be compensated at the rate determined by the Director, which shall not exceed the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(4) DUTIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Inspector General Act of 1978 (5 U.S.C. App.)—

"(i) the Corporation shall be considered to be a designated Federal entity, as defined in section 8E(a)(2) of such Act; and

"(ii) the Director shall be considered to be the head of the designated Federal entity, as defined in section 8E(a)(4) of such Act.

"(B) PROGRAM FRAUD.—For purposes of chapter 38 of title 31, United States Code (commonly known as the 'Program Fraud Civil Remedies Act of 1986')—

"(i) the Corporation shall be considered to be an authority, as defined in section 3801(a)(1) of such Act;

"(ii) the Director shall be considered to be an authority head, as defined in section 3801(a)(2) of such Act; and

"(iii) the Inspector General shall be considered to be an investigating official, as defined in section 3801(a)(4) of such Act.

"SEC. 195. EMPLOYEES, CONSULTANTS, AND OTHER PERSONNEL.

"(a) EMPLOYEES.—

"(1) IN GENERAL.—The Director may appoint and determine the compensation of such employees necessary to carry out the duties of the Corporation.

"(2) TERMS.—

"(A) INITIAL TERM.—

"(i) LENGTH OF TERM.—Such an employee shall be appointed for an initial term that shall not exceed 5 years.

"(ii) PROBATION PERIOD.—The Director shall take such action, including the issuance of rules, regulations, and directives, as shall provide, as nearly as conditions of good administration warrant, for a 1-year period of probation before such an appointment becomes final.

"(B) APPOINTMENT EXTENSIONS.—The appointment of an employee may be extended by the Director, after receiving and reviewing the recommendations of the Board.

"(C) APPOINTMENT IN THE COMPETITIVE SERVICE AFTER EMPLOYMENT IN THE CORPORATION.—

"(i) EMPLOYEES WITH NOT LESS THAN 3 YEARS OF EMPLOYMENT.—If an employee is separated from the Corporation (other than by removal for cause), and has been continuously employed by the Corporation for a period of not less than 3 years, such period shall be treated as a period of service in the competitive service for purposes of chapter 33 of title 5, United States Code.

"(ii) DEFINITION.—As used in this subparagraph, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.

"(3) APPOINTMENT AND COMPENSATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)(iv), the Director may appoint and determine the compensation of employees under this subsection without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) CORPORATION SELECTION AND COMPENSATION SYSTEMS.—

"(i) ESTABLISHMENT OF SYSTEM.—The Director, in consultation with the Director of the Office of Personnel Management and after reviewing the recommendations of the Board under section 192A(g)(3), shall issue regulations establishing selection and compensation systems for the Corporation. In issuing such regulations, the Director shall take into consideration the need for flexibility in such a system.

"(ii) APPLICATION.—The Director shall appoint and determine the compensation of employees referred to in paragraph (1) in accordance with the selection and compensation systems referred to in clause (i).

"(iii) SELECTION SYSTEM.—The selection system shall provide for the selection of such an employee for such a position—

"(I) through a competitive process; and

"(II) on the basis of the qualifications of applicants and the requirements of the position.

"(iv) COMPENSATION SYSTEM.—The compensation system shall include a scheme for the classification of positions in the Corporation. The system shall require that the compensation of such an employee be determined based in part on the job performance of the employee, and in a manner consistent with the principles described in section 5301 of title 5, United States Code. The rate of compensation for each employee compensated through the system shall not exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) CONSULTANTS.—The Director may procure the temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code.

"(c) DETAILS OF PERSONNEL.—The head of any Federal department or agency may detail on a reimbursable basis, or on a nonreimbursable basis for not to exceed 180 calendar days during any fiscal year, as agreed upon by the Director and the head of the Federal agency, any of the personnel of that department or agency to the Corporation to assist the Corporation in carrying out the duties of the Corporation under this Act. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"SEC. 196. ADMINISTRATION.

"(a) DONATIONS.—

"(1) SERVICES.—

"(A) VOLUNTEERS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may accept the voluntary services of individuals to assist the Corporation in carrying out the duties of the Corporation under this Act, and may provide to such individuals the travel expenses described in section 192A(d).

"(B) LIMITATION.—Such a volunteer shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

"(i) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, a volunteer under this subtitle

shall be considered to be a Federal employee; and

"(ii) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this subtitle shall be considered to be employees, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.

"(C) INHERENTLY GOVERNMENTAL FUNCTION.—

"(i) IN GENERAL.—Such a volunteer shall not carry out an inherently government function.

"(ii) REGULATIONS.—The Director shall promulgate regulations to carry out this subparagraph.

"(iii) INHERENTLY GOVERNMENTAL FUNCTION.—As used in this subparagraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of value judgment in making a decision for the Government.

"(2) PROPERTY.—The Corporation may accept, use, and dispose of, in furtherance of the purposes of this Act, donations of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Donations accepted under this subparagraph shall be used as nearly as possible in accordance with the terms, if any, of such donation.

"(3) RULES.—The Director shall establish written rules setting forth the criteria to ensure that the acceptance of contributions of money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise (pursuant to paragraph (2)) will not reflect unfavorably upon the ability of the Corporation or any employee of the Corporation to carry out the responsibilities or official duties of the Corporation in a fair and objective manner, or compromise the integrity of the programs of the Corporation or any official involved in such programs.

"(4) DISPOSITION.—Upon completion of the use by the Corporation of any property described in paragraph (2), such completion shall be reported to the General Services Administration and such property shall be disposed of in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(5) VOLUNTEER.—As used in this subsection, the term 'volunteer' does not include a participant.

"(b) CONTRACTS.—Subject to the Federal Property and Administrative Services Act of 1949, the Corporation may enter into contracts, and cooperative and interagency agreements, with Federal and State agencies, private firms, institutions, and individuals to conduct activities necessary to carry out the duties of the Corporation under this Act.

"(c) OFFICE OF MANAGEMENT AND BUDGET.—Appropriate circulars of the Office of Management and Budget shall apply to the Corporation.".

(b) RELATIONSHIP TO OTHER NATIONAL SERVICE AND DOMESTIC VOLUNTEER PROGRAMS.—

(1) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) AUTHORITY.—Section 401 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041) is amended by inserting after the second sentence the following: "The Director shall report directly to the Director of the Corporation for National Service and Community Volunteers.".

(B) RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 et seq.) is amended by inserting after section 404 the following:

"SEC. 405. RELATIONSHIP WITH STATE PLANS AND OTHER REQUIREMENTS.

"In carrying out programs, and in providing assistance to recipients to carry out programs, in a State under this title, the Director shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(2) YOUTH CONSERVATION CORPS ACT OF 1970.—Section 3(a) of Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970") is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (6) the following:

"(7) in providing assistance to recipients to carry out programs under this Act in a State, ensure that such programs will be carried out in accordance with—

"(A) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(B) the priorities established under section 122(c) of such Act; and

"(C) such other requirements as the Director of such Corporation may by regulation specify.".

(3) HIGHER EDUCATION ACT OF 1965.—Subpart 3 of part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1139) is amended—

(A) by striking the subpart heading and inserting the following:

"Subpart 3—General Provisions"; and

(B) by adding at the end the following:

"SEC. 1152. RELATIONSHIP WITH STATE PLANS.

"In providing assistance to recipients to carry out programs in a State under this part, the Secretary shall ensure that such programs will be carried out in accordance with—

"(1) the State plan approved for the State by the Corporation for National Service and Community Volunteers under section 178(i) of the National and Community Service Act of 1990;

"(2) the priorities established under section 122(c) of such Act; and

"(3) such other requirements as the Director of such Corporation may by regulation specify.".

(c) TRANSFER OF FUNCTIONS OF COMMISSION ON NATIONAL AND COMMUNITY SERVICE.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context, each term specified in section 163(c)(1) shall have the meaning given the term in such section.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation the functions that the Board of Directors or Executive Director of the Commission on National and Community Service exercised before the effective date of this subsection (including all related functions of any officer or employee of the Commission).

(3) APPLICATION.—The provisions of paragraphs (3) through (10) of section 163(c) shall apply with respect to the transfer described in paragraph (2), except that—

(A) for purposes of such application, references to the term "ACTION Agency" shall be deemed to be references to the Commission on National and Community Service; and

(B) paragraph (10) of such section shall not preclude the transfer of the members of the Board of Directors of the Commission to the Corporation if, on the effective date of this subsection, the Board of Directors of the Corporation has not been confirmed.

(d) CONTINUING PERFORMANCE OF CERTAIN FUNCTIONS.—The individuals who, on the day before the date of enactment of this Act, are performing any of the functions required by section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651), as in effect on such date, to be performed by the members of the Board of Directors of the Commission on National and Community Service may, subject to section 193A of the National and Community Service Act of 1990, as added by subsection (a) of this section, continue to perform such functions until the date on which the Board of Directors of the Corporation for National Service and Community Volunteers conducts the first meeting of the Board. The service of such individuals as members of the Board of Directors of such Commission, and the employment of such individuals as special government employees, shall terminate on such date.

(e) JOB SEARCH ASSISTANCE.—The Director shall establish a program to provide, or shall seek to enter into a memorandum of understanding with the Director of the Office of Personnel Management to provide, job search and related assistance to—

(1) employees of the ACTION agency who are not transferred to the Corporation for National Service and Community Volunteers under section 163(c); and

(2) employees of the Department of Agriculture, Department of the Interior, or Department of Education who are separated from such Departments because of the requirements of title II.

(f) GOVERNMENT CORPORATION CONTROL.—

(1) WHOLLY OWNED GOVERNMENT CORPORATION.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (D) the following:

"(E) the Corporation for National Service and Community Volunteers.".

(2) AUDITS.—Section 9105(a)(1) of title 31, United States Code, is amended by inserting ", or under other Federal law," before "or by an independent".

(g) DISPOSAL OF PROPERTY.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following:

"(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Director of the Corporation for National Service and Community Volunteers for disposal such surplus property as is recommended by the Director as being needed for national service activities.

"(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Director of a proposed transfer of property for such activities,

the Director, through such officers or employees of the Corporation as the Director may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 for such activities.

"(C) In fixing the sale or lease value of such property, the Director shall comply with the requirements of paragraph (1)(C).".

(h) TABLE OF CONTENTS.—Section 1(b) of the National and Community Service Act of 1990 (Public Law 101-610; 104 Stat. 3127) is amended by striking the items relating to subtitle G of title I of such Act and inserting the following:

"Subtitle G—Corporation for National Service and Community Volunteers

"Sec. 191. Corporation for National Service and Community Volunteers.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Director.
"Sec. 193A. Authorities and duties of the Director.
"Sec. 194. Management.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 1993.

(2) ESTABLISHMENT AND APPOINTMENT AUTHORITIES.—Sections 191, 192, and 193 of the National and Community Service Act of 1990, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 163. FINAL AUTHORITIES OF THE CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) APPLICATION.—Section 178(e) of the National and Community Service Act of 1990 (as amended by section 161 of this Act) is amended, and subtitle G of such Act (as amended by section 162 of this Act) is amended in section 191, section 192A(g)(5), section 193(c), subsections (b), (c) (other than paragraph (8)), and (d) of section 193A, section 195(c), and subsections (a) and (b) of section 196, by striking "this Act" each place the term appears and inserting "the national service laws".

(2) GRANTS.—Section 192A(g) of the National and Community Service Act of 1990 (as added by section 162 of this Act) is amended—

(A) by striking "and" at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) notwithstanding any other provision of law, make grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the assignment or referral of volunteers under the provisions of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973), which may provide that the agency or organization shall pay all or a part of the costs of the program; and".

(b) AUTHORITIES OF ACTION AGENCY.—Sections 401 and 402 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5041 and 5042) are repealed.

(c) TRANSFER OF FUNCTIONS FROM ACTION AGENCY.—

(1) DEFINITIONS.—For purposes of this subsection, unless otherwise provided or indicated by the context—

(A) the term "Corporation" means the Corporation for National Service and Community Volunteers, established under section 191 of the National and Community Service Act of 1990;

(B) the term "Director" means the Director of the Corporation;

(C) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(D) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(E) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Corporation such functions as the President determines to be appropriate that the Director of the ACTION Agency exercised before the effective date of this subsection (including all related functions of any officer or employee of the ACTION Agency).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) REORGANIZATION.—The Director is authorized to allocate or reallocate any function transferred under paragraph (2) among the officers of the Corporation, after providing notice of the allocation or reallocation to Congress.

(5) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this subsection, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this subsection, subject to section 1531 of title 31, United States Code, shall be transferred to the Corporation. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(6) INCIDENTAL TRANSFER.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this subsection, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subsection. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this subsection and for such further measures and dispositions as may be necessary to effectuate the purposes of this subsection.

(7) EFFECT ON PERSONNEL.—

(A) IN GENERAL.—Except as otherwise provided by this subsection, the transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation, or to have the benefits of the employee reduced, for 1 year after the date of transfer of such employee under this subsection.

(B) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this subsection, any person who, on the day preceding the effective date of this subsection, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Corporation to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(C) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this subsection, shall terminate on the effective date of this subsection.

(8) SAVINGS PROVISIONS.—

(A) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(i) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under this subsection; and

(ii) that are in effect at the time this subsection takes effect, or were final before the effective date of this subsection and are to become effective on or after the effective date of this subsection,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(B) PROCEEDINGS NOT AFFECTED.—The provisions of this subsection shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the ACTION Agency at the time this subsection takes effect, with respect to functions transferred by this subsection but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subsection had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subparagraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subsection had not been enacted.

(C) SUITS NOT AFFECTED.—The provisions of this subsection shall not affect suits commenced before the effective date of this subsection, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the

same effect as if this subsection had not been enacted.

(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the ACTION Agency, or by or against any individual in the official capacity of such individual as an officer of the ACTION Agency, shall abate by reason of the enactment of this subsection.

(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the ACTION Agency relating to a function transferred under this subsection may be continued by the Corporation with the same effect as if this subsection had not been enacted.

(9) SEVERABILITY.—If a provision of this subsection or its application to any person or circumstance is held invalid, neither the remainder of this subsection nor the application of the provision to other persons or circumstances shall be affected.

(10) TRANSITION.—Prior to, or after, any transfer of a function under this subsection, the Director is authorized to utilize—

(A) the services of such officers, employees, and other personnel of the ACTION Agency with respect to functions that will be or have been transferred to the Corporation by this subsection; and

(B) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subsection.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section, and the amendments made by this section, shall take effect—

(A) 18 months after the date of enactment of this Act; or

(B) on such earlier date as the President shall determine to be appropriate and announce by proclamation published in the Federal Register.

(2) TRANSITION.—Subsection (c)(10) shall take effect on the date of enactment of this Act.

Subtitle H—Other Activities

SEC. 171. POINTS OF LIGHT FOUNDATION.

Section 301(b)(3) of the National and Community Service Act (42 U.S.C. 12661(b)(3)) is amended by inserting "and make awards to" after "develop".

Subtitle I—Authorization of Appropriations

SEC. 181. AUTHORIZATION.

(a) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Section 501 of the National and Community Service Act of 1990 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIONAL AND COMMUNITY SERVICE.—

"(1) SERVICE-LEARNING.—There are authorized to be appropriated to carry out subtitle B of title I, including any administrative costs of carrying out such subtitle, $30,600,000 for each of fiscal years 1994 and 1995.

"(2) NATIONAL SERVICE.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out subtitles C and D of title I, including any administrative costs of carrying out such subtitles, $100,000,000 for each of fiscal years 1994 and 1995.

"(B) LIMITATION ON ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for any fiscal year, not more than 10 percent may be made available to pay for the administrative costs of carrying out such subtitles.

"(b) POINTS OF LIGHT FOUNDATION.—There are authorized to be appropriated to carry out title III, $5,000,000 for each of fiscal years 1994 and 1995.".

(b) EXTENSION OF AUTHORITY TO CONDUCT CIVILIAN COMMUNITY CORPS.—Section 1092(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2534) is further amended by adding at the end the following new sentence: "The amount made available for the Civilian Community Corps Demonstration Program pursuant to this subsection shall remain available for expenditure during fiscal years 1993, 1994, and 1995.".

Subtitle J—General Provisions

SEC. 191. EFFECTIVE DATE.

Except as otherwise provided, this title, and the amendments made by this title, shall take effect on October 1, 1993.

TITLE II—OTHER SERVICE PROGRAMS

SEC. 201. REPEALS OF SERVICE PROGRAMS.

(a) IN GENERAL.—The following provisions are repealed:

(1) Subtitles D and E of title I (as amended by sections 131 and 141 of this Act), and title III, of the National and Community Service Act of 1990.

(2) Parts A, B, and C of title I, and title II, of the Domestic Volunteer Service Act of 1973. (42 U.S.C. 4951 et seq., 4971 et seq., 4991 et seq., and 5000 et seq.).

(3) Part B of title XI of the Higher Education Act of 1965 (20 U.S.C. 1137 et seq.).

(4) Public Law 91-378 (16 U.S.C. 1701-1706; commonly known as the "Youth Conservation Corps Act of 1970").

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect 24 months after the amendments made by section 121 take effect.

SEC. 202. TRANSITION.

(a) STUDY AND REPORT.—

(1) STUDY.—The Director of the Corporation for National Service and Community Volunteers (referred to in this title as the "Director") shall, in consultation with the Secretary of Education, the Director of ACTION, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the Director of the Office of Personnel Management, conduct a study to examine—

(A) strategies for carrying out, under subtitle C of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out national service programs, the programs and activities that are being carried out under—

(i) subtitles D and E of title I of the National and Community Service Act of 1990 (as amended by sections 131 and 141 of this Act);

(ii) part A of title I, and, in particular, section 109, of the Domestic Volunteer Service Act of 1973;

(iii) part B of title XI of the Higher Education Act of 1965; and

(iv) Public Law 91-378; and

(B) strategies for carrying out, under subtitle B of title I of the National and Community Service Act of 1990, through the division of the Corporation that carries out volunteer programs, the programs and activities that are being carried out under—

(i) title III of the National and Community Service Act of 1990; and

(ii) parts B and C of title I, and parts A, B, and C, of title II, of the Domestic Volunteer Service Act of 1973.

(2) REPORT.—Not later than 21 months after the amendments made by section 121 take effect, the Director of the Corporation for National Service and Community Volunteers shall submit to the appropriate committees of Congress a report containing—

(A) the findings and conclusions of the Director, based on the study described in paragraph (1); and

(B) recommendations for legislative reform to carry out—

(i) the programs and activities specified in paragraph (1)(A) under subtitle C of title I of the National and Community Service Act of 1990; and

(ii) the programs and activities specified in paragraph (1)(B) under subtitle B of such title.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Corporation for National Service and Community Volunteers determines it is appropriate and fiscally responsible, the Corporation may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective date provided in section 201(b).

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 203 not later than the date that is 90 days after the submission of the report described in paragraph (2), on such date, the recommendations contained within the report shall have the force of law.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director shall issue such regulations as are necessary to provide for a transition to the implementation of the programs and activities specified in subsection (a)(1).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Director shall take into consideration the findings and conclusions of the study described in subsection (a)(1).

SEC. 203. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the Director of the Corporation for National Service and Community Volunteers as submitted by the Director on _____", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the Director of the Corporation for National Service and Community Volunteers".

(c) INTRODUCTION AND REFERRAL.—On the day on which the report describing the action of the Director of the Corporation for National Service and Community Volunteers

is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropriation calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or the designee of the Minority Leader. Such leaders, or either of the leaders, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPERMAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the Director of the Corporation for National Service and Community Volunteers except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended to read as follows:

"SEC. 501. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

"(a) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except section 109) $45,800,000 for each of fiscal years 1994 and 1995.

"(2) LITERACY ACTIVITIES.—There are authorized to be appropriated to carry out subsections (c) and (d) of section 109 and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $5,000,000 for each of fiscal years 1994 and 1995.

"(b) STUDENT COMMUNITY SERVICE PROGRAMS.—There are authorized to be appropriated to carry out part B of title I of this Act $2,200,000 for each of fiscal years 1994 and 1995.

"(c) SPECIAL VOLUNTEER PROGRAMS.—

"(1) PROGRAM ACTIVITIES AND DRUG ABUSE PREVENTION ACTIVITIES.—

"(A) PROGRAM ACTIVITIES.—There are authorized to be appropriated to carry out part C of title I of this Act (other than section 124(b)) such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(B) DRUG ABUSE PREVENTION ACTIVITIES.—In addition to the amounts authorized to be appropriated by subparagraph (A), there are authorized to be appropriated for support of drug abuse prevention such sums for each of the fiscal years 1994 and 1995.

"(C) USE OF FUNDS.—With respect to amounts appropriated for any fiscal year pursuant to subparagraph (B), the Director—

"(i) shall use not more than 25 percent of such amounts for purposes of carrying out section 124(b); and

"(ii) shall ensure that not more than $500,000 is used for administrative costs of programs carried out under such part.

"(2) LITERACY CHALLENGE GRANTS.—Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there are authorized to be appropriated for Literacy Challenge Grants under section 125 such sums as may be necessary for each of the fiscal years 1994 and 1995.

"(3) LIMITATION.—No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under subsection (d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.

"(d) VOLUNTEER SERVICE REQUIREMENT.—

"(1) VOLUNTEER SERVICE YEARS.—Of the amounts appropriated under this section for parts A, B, and C of title I (other than section 124(b)) and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide 3,400 years of volunteer service in each of fiscal years 1994 and 1995.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'volunteer service' shall include training and other support required under this Act for purposes of part A oftitle I.

"(3) CALCULATION.—

"(A) COSTS OF COMPLIANCE.—In applying criteria with respect to meeting the number of years of volunteer service under paragraph

(1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) ALLOWANCES FOR SUBSISTENCE.—The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1994 and 1995.

"(C) REALLOCATION.—If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds shall be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.

"(e) LIMITATION.—No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

(b) OLDER AMERICANS VOLUNTEER PROGRAMS.—Section 502 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. OLDER AMERICANS VOLUNTEER PROGRAMS.

"(a) RETIRED SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out programs under part A of title II of this Act $37,054,000 for each of the fiscal years 1994 and 1995.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out programs under part B of title II of this Act $71,284,000 for each of the fiscal years 1994 and 1995.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II of this Act $32,509,000 for each of the fiscal years 1994 and 1995.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION.

"For each of the fiscal years 1994 and 1995, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 10 percent of the total amount appropriated under sections 501 and 502 for such year.".

SEC. 205. CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify the amount of the financial assistance or benefits received by a participant or volunteer for participation or volunteer service in a program or activity carried out under a provision described in section 201(a), as in effect on the day before the date of enactment of this Act.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. DEFINITIONS.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) the term 'Corporation' means the Corporation for National Service and Community Volunteers established under section 191 of the National and Community Service Act of 1990; and

"(9) the term 'Inspector General' means the Inspector General of ACTION.".

SEC. 302. REFERENCES TO THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(1) Section 1092(b) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 12653a note) is amended—

(A) in paragraph (1)—

(i) by striking "Commission on National Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(ii) by striking "Commission shall prepare" and inserting "Board of Directors of the Corporation shall prepare"; and

(B) in paragraph (2), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Board of Directors of the Corporation for National Service and Community Volunteers".

(2) Section 1093(a) of such Act (42 U.S.C. 12653a note) is amended by striking "the Board of Directors and Executive Director of the Commission on National and Community Service" and inserting "the Board of Directors and Director of the Corporation for National Service and Community Volunteers".

(3) Section 1094 of such Act (Public Law 102–484; 106 Stat. 2535) is amended—

(A) in the title, by striking "commission on national and community service" and inserting "corporation for national service and community volunteers";

(B) in subsection (a)—

(i) in the heading, by striking "COMMISSION" and inserting "CORPORATION";

(ii) in the first sentence, by striking "Commission on National and Community Service" and inserting "Corporation for National Service and Community Volunteers"; and

(iii) in the second sentence, by striking "The Commission" and inserting "The Director of the Corporation"; and

(C) in subsection (b)—

(i) in paragraph (1), by striking "Board of Directors of the Commission on National and Community Service" and inserting "Director of the Corporation for National Service and Community Volunteers"; and

(ii) in paragraph (2), by striking "the Commission" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(4) Section 1095 of such Act (Public Law 102–484; 106 Stat. 2535) is amended in the heading for subsection (b) by striking "COMMISSION ON NATIONAL AND COMMUNITY SERVICE" and inserting "CORPORATION FOR NATIONAL SERVICE AND COMMUNITY VOLUNTEERS".

(5) Section 2(b) of such Act (Public Law 102–484; 106 Stat. 2315) is amended by striking the item relating to section 1094 of such Act and inserting the following:

"Sec. 1094. Other programs of the Corporation for National Service and Community Volunteers.".

(b) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(1) Sections 159(b)(2) (as redesignated in section 141(a)(2)(C) of this Act), and 165 (as redesignated in section 141(a)(2)(C) of this Act), subsections (a) and (b) of section 172, sections 176(a) and 177(c), and subsections (a), (b), and (d) through (h) of section 179, of the National and Community Service Act of 1990 (42 U.S.C. 12653h(b)(2), 12653n, 12632 (a) and (b), 12636(a), 12637(c), and 12639 (a), (b), and (d) through (h)) are each amended by striking the term "Commission" each place the term appears and inserting "Corporation".

(2) Sections 152, 157(b)(2), 162(a)(2)(C), 164, and 166(1) of such Act (in each case, as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653a, 12653f(b)(2), 12653k(a)(2)(C), 12653m, and 12653o(1)) are each amended by striking "Commission on National and Community Service" and inserting "Corporation".

(3) Section 163(b)(9) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12635l(b)(9)) is amended by striking "Chair of the Commission on National and Community Service" and inserting "Director".

(4) Section 303(a) of such Act (42 U.S.C. 12662(a)) is amended—

(A) by striking "The President" and inserting "The President, acting through the Corporation,";

(B) by inserting "in furtherance of activities under section 302" after "section 501(b)"; and

(C) by striking "the President" both places the term appears and inserting "the Corporation".

SEC. 303. REFERENCES TO DIRECTORS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) DIRECTOR OF THE CORPORATION.—

(1) Section 159(a) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(a)) is amended—

(A) by striking "BOARD.—The Board" and inserting "SUPERVISION.—The Director of the Corporation";

(B) by striking "the Board" in the matter preceding paragraph (1) and in paragraph (1) and inserting "the Director of the Corporation"; and

(C) by striking "the Director" in paragraph (1) and inserting "the Board".

(2) Section 159(b) of such Act (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653h(b)) is amended by striking "(b)" and all that follows through "Commission on National and Community Service" and inserting "(b) MONITORING AND COORDINATION.—The Director of the Corporation".

(3) Section 159(c)(1) (as redesignated in section 141(a)(2)(C) of this Act) (12653h(c)(1)) is amended—

(A) in subparagraph (A), by striking "the Board, in consultation with the Executive Director," and inserting "the Director of the Corporation"; and

(B) in subparagraph (B)(iii), by striking "the Board through the Executive Director" and inserting "the Director of the Corporation".

(4) Section 166 (as redesignated in section 141(a)(2)(C) of this Act) (42 U.S.C. 12653o) is amended—

(A) in paragraph (5), by inserting "except when used as part of the term 'Director of the Corporation'," before "means";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(b) DIRECTOR OF CIVILIAN COMMUNITY CORPS.—Sections 155(a), 157(b)(1)(A), 158(a), 159(c)(1)(A), and 163(a) (in each case, as redesignated in section 141(a)(2)(C) of this Act) of the National and Community Service Act of 1990 (42 U.S.C. 12653d(a), 12653f(b)(1)(A), 12653g(a), 12653h(c)(1)(A), and 12653l(a)) are

amended by striking "Director of the Civilian Community Corps" each place the term appears and inserting "Director".

SEC. 304. DEFINITION OF DIRECTOR.

Section 421 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers appointed under section 193 of the National and Community Service Act of 1990;".

SEC. 305. REFERENCES TO ACTION AND THE ACTION AGENCY.

(a) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(1) The table of contents of the Act is amended by striking the item relating to section 112 and inserting the following:

"Sec. 112. Authority to operate University Year for VISTA program.

(2) Section 2(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950(b)) is amended—

(A) by striking "ACTION, the Federal domestic volunteer agency," and inserting "this Act"; and

(B) by striking "ACTION shall" and inserting "the Corporation for National Service and Community Volunteers shall".

(3) Section 103 (42 U.S.C. 4953) is amended—

(A) in subsection (b)—

(i) in paragraphs (2), (5), and (6), by striking "ACTION Agency" each place the term appears and inserting "Corporation"; and

(ii) in paragraph (6), by striking "regional ACTION office" and inserting "regional office of the Corporation"; and

(B) in subsection (c)(1)(D), by striking "ACTION Agency" and inserting "Corporation".

(4) Section 105(b) (42 U.S.C. 4955(b)) is amended in paragraphs (3)(A) and (4) by striking "ACTION Agency" and inserting "Corporation".

(5) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(A) in the part heading, to read as follows:

"PART B—UNIVERSITY YEAR FOR VISTA";

(B) by striking "University Year for ACTION" each place that such term appears in such part and inserting "University Year for VISTA";

(C) by striking "UYA" each place that such term appears in such part and inserting "UYV"; and

(D) in section 112 (42 U.S.C. 4972) by striking the section heading and inserting the following new section heading:

"AUTHORITY TO OPERATE UNIVERSITY YEAR FOR VISTA PROGRAM".

(6) Section 125(b) of such Act (42 U.S.C. 4995(b)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(7) Section 225(e) of such Act (42 U.S.C. 5025(e)) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(8) Section 403(a) of such Act (42 U.S.C. 5043(a)) is amended—

(A) by striking "the ACTION Agency" the first place such term appears and inserting "the Corporation under this Act"; and

(B) by striking "the ACTION Agency" the second place such term appears and inserting "the Corporation".

(9) Section 407(5) (42 U.S.C. 5047(5)) is amended by striking "ACTION Agency" and inserting "Corporation".

(10) Section 408 of such Act (42 U.S.C. 5048) is amended by striking "the ACTION Agency" and inserting "the Corporation".

(11) Section 416(f)(1) (42 U.S.C. 5056(f)(1)) is amended by striking "ACTION Agency" and inserting "Corporation".

(12) Section 420(b) (42 U.S.C. 5060(b)) is amended by striking "ACTION Agency" and inserting "Corporation".

(13) Section 421(9) of such Act (as added by section 301 of this Act) is further amended by striking "ACTION" and inserting "the Corporation".

(14) Section 702(a) (42 U.S.C. 5091a(a)) is amended by striking "of the ACTION Agency".

(15) Section 713(2) (42 U.S.C. 5091l(2)) is amended by striking "ACTION agency" and inserting "Corporation".

(b) INSPECTOR GENERAL.—

(1) TERMINATION OF STATUS AS DESIGNATED FEDERAL ENTITY.—Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "ACTION,".

(2) TRANSFER.—Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subparagraph (T), by striking "and" at the end; and

(B) by adding at the end the following:

"(V) of the Corporation for National Service and Community Volunteers, the Office of Inspector General of ACTION; and".

(c) PUBLIC HOUSING SECURITY.—Section 207(c) of the Public Housing Security Demonstration Act of 1978 (Public Law 95–557; 92 Stat. 2093; 12 U.S.C. 1701z–6 note) is amended—

(1) in paragraph (3)(ii), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers"; and

(2) in paragraph (4), by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(d) NATIONAL FOREST VOLUNTEERS.—Section 1 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a) is amended by striking "ACTION" and inserting "the Corporation for National Service and Community Volunteers".

(e) PEACE CORPS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by inserting after "the ACTION Agency" the following: ", the successor to the ACTION Agency,".

(f) INDIAN ECONOMIC DEVELOPMENT.—Section 502 of the Indian Financing Act of 1974 (25 U.S.C. 1542) is amended by striking "ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(g) OLDER AMERICANS.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 202(c)(1) (42 U.S.C. 3012(c)(1)), by striking "the Director of the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers";

(2) in section 203(a)(1) (42 U.S.C. 3013(a)(1)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers"; and

(3) in section 422(b)(12)(C) (42 U.S.C. 3035a(b)(12)(C)), by striking "the ACTION Agency" and inserting "the Corporation for National Service and Community Volunteers".

(h) VISTA SERVICE EXTENSION.—Section 101(c)(1) of the Domestic Volunteer Service Act Amendments of 1989 (Public Law 101–204; 103 Stat. 1810; 42 U.S.C. 4954 note) is amended by striking "Director of the ACTION Agency" and inserting "Director of the Corporation for National Service and Community Volunteers".

(i) AGING RESOURCE SPECIALISTS.—Section 205(c) of the Older Americans Amendments of 1975 (Public Law 94–135; 89 Stat. 727; 42 U.S.C. 5001 note) is amended—

(1) in paragraph (1)—

(A) by striking "the ACTION Agency," and inserting "the Corporation for National Service and Community Volunteers,"; and

(B) by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation";

(2) in paragraph (2)(A), by striking "ACTION Agency" and inserting "Corporation"; and

(3) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the term 'Corporation' means the Corporation for National Service and Community Volunteers established by section 191 of the National and Community Service Act of 1990.".

(j) PROMOTION OF PHOTOVOLTAIC ENERGY.—Section 11(a) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5590) is amended by striking "the Director of ACTION,".

(k) COORDINATING COUNCIL ON JUVENILE JUSTICE.—Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

(l) ENERGY CONSERVATION.—Section 413(b)(1) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)(1)) is amended by striking "the Director of the ACTION Agency,".

(m) INTERAGENCY COUNCIL ON THE HOMELESS.—Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The Director of the Corporation for National Service and Community Volunteers, or the designee of the Director.".

(n) ANTI-DRUG ABUSE.—Section 3601 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11851) is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) the term 'Director' means the Director of the Corporation for National Service and Community Volunteers,".

(o) ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.—Section 916(b) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12312(b)) is amended by striking "the Director of the ACTION Agency" and inserting "the Director of the Corporation for National Service and Community Volunteers".

SEC. 306. EFFECTIVE DATE.

(a) COMMISSION.—The amendments made by sections 301 through 303 will take effect on October 1, 1993.

(b) ACTION.—The amendments made by sections 304 and 305 shall take effect on the effective date of section 163(c)(2).

DOMENICI AMENDMENT NO. 613

Mr. KENNEDY (for Mr. DOMENICI) proposed an amendment to the bill (S. 919), supra; as follows:

On page 7, line 17, strike "The" and insert "Subject to the availability of appropriations, the".

On page 34, strike lines 14 through 16 and insert the following: ", taking into consideration funding needs for educational awards based on completed service. If appropriations are insufficient to provide the maximum allowable education awards for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules."

On page 72, line 4, insert after "available" the following: "to the extent provided for in advance by appropriation".

On page 72, line 20, strike "ability to claim" and insert "expectation to receive".

On page 78, lines 9 and 10, strike "to which the eligible individual is entitled" and insert the following: "for which the participant has earned".

On page 82, line 8, strike "qualified" and insert "scheduled to receive".

KASSEBAUM AMENDMENT NOS. 614–623

Mr. KENNEDY (for Mrs. KASSEBAUM) proposed 10 amendments to the bill (S. 919), supra, as follows:

AMENDMENT NO. 614

On page 94, strike lines 3 through 25.

On page 95, lines 1, strike "(c)" and insert "(b)".

On page 164, lines 3 and 4, strike "subsection (a)(3) or (b) of section 111" and insert "section 111(a)(3)".

AMENDMENT NO. 615

On page 258 beginning on line 14, strike "The Director" and all that follows through "volunteers." on line 21.

AMENDMENT NO. 616

On page 273, lines 13 through 15, strike "organizations, and provide technical assistance to other nations concerning domestic volunteer programs within their countries." and insert "organizations.".

AMENDMENT NO. 617

On page 91, line 6, strike "114(d)(5)(B)" and insert "114(d)(1)(B)".

On page 94, line 16, strike "projects;" and insert "projects; and".

On page 94, line 21, strike "opportunities; and" and insert "opportunities".

On page 94, strike lines 22 through 25.

Beginning on page 106, strike line 21 and all that follows through page 109, line 2 and insert the following:

"(a) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 111, including, at a minimum—

On page 109, line 3, strike "(5)" and insert "(1)".

On page 109, line 22, strike "(6)" and insert "(2)".

On page 122, line 21, strike "114(a)(5)(B);" and insert "114(d)(1)(B);".

On page 133, line 15, strike "114(d)(5)(B);" and insert "114(d)(1)(B);".

AMENDMENT NO. 618

On page 132, strike line 12 and all that follows through page 133, line 20 and insert the following: "of, an application at such time, in such manner, and containing such information as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information."

"(2) CONTENTS.—An application submitted under paragraph (1) shall, at a minimum, contain—

On page 133, line 21, strike "(B)" and insert "(A)".

On page 134, line 10, strike "(C)" and insert "(B)".

AMENDMENT NO. 619

On page 120, lines 6 and 7, strike "descriptions, proposals," and insert "information".

Beginning on page 121, strike line 21 and all that follows through page 123, line 13 and insert the following:

"(d) REGULATIONS.—The Corporation shall by regulation establish standards for the information and assurances required to be contained in an application submitted under subsection (a) or (b) with respect to a service-learning program described in section 117, including, at a minimum—

On page 123, line 14, strike "(4)" and insert "(1)".

On page 123, line 19, strike "(5)" and insert "(2)".

On page 124, line 3, strike "(6)" and insert "(3)".

AMENDMENT NO. 620

Beginning on page 100, strike line 11 and all that follows through page 104, line 2, and insert the following: "may reasonably require, including information demonstrating that the programs will be carried out in a manner consistent with the approved strategic plan;".

AMENDMENT NO. 621

On page 185, line 10, strike "a voting" and insert "an ex officio nonvoting".

On page 224, line 20, strike "a voting" and insert "an ex officio nonvoting".

AMENDMENT NO. 622

On page 81, strike line 16.

On page 81, between lines 21 and 22, insert the following:

"(iii) individuals using national service educational awards to pay for educational costs do not comprise more than 15 percent of the total student population of the institution; and".

AMENDMENT NO. 623

On page 68, line 5, strike "who serves" and insert "who needs child care in order to participate".

On page 68, line 7, strike ", including" and all that follows through "program" on line 9.

On page 259, lines 16 and 17, strike "part, including volunteers" and insert "part".

MCCONNELL AMENDMENT NO. 624

Mr. KENNEDY (for Mr. MCCONNELL) proposed an amendment to the bill, S. 919, supra, as follows:

On page 322, at the end of the committee amendment, insert the following:

TITLE V—RURAL COMMUNITY SERVICE

SEC. 501. RURAL COMMUNITY SERVICE.

Title XI of the of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

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

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services towards the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs.

"(c) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated

programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions under this part and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that is—

"(A) outside an urbanized area, as such term is defined by the Bureau of the Census; and

"(B) outside any place that—

"(i) is incorporated or Bureau of the Census designated; and

"(ii) has a population of 75,000 or more.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) is located in a rural area;

"(B) draws a substantial portion of its undergraduate students from the rural area in which such institution is located, or from contiguous areas;

"(C) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(D) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(E) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(F) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out the provisions of this part.

"(b) FUNDING RULE.—If in any fiscal year the amount appropriated pursuant to the authority of subsection (a) is less than 50 percent of the funds appropriated to carry out part A in such year, then the Secretary shall make available in such year from funds appropriated to carry out part A an amount equal to the difference between 50 percent of the funds appropriated to carry out part A and the amount appropriated pursuant to the authority of subsection (a).".

On page 4, in the table of contents, insert after the item relating to section 406 the following new items:

TITLE V—RURAL COMMUNITY SERVICE

Sec. 501. Rural community service.

MIKULSKI AMENDMENT NO. 625

Mr. KENNEDY (for Ms. MIKULSKI) proposed an amendment to the bill, S. 919, supra, as follows:

On page 62, line 22, strike "1,700" and insert "900".

On page 62, line 24, delete "not less than 1 year and".

On page 63, line 1, strike "not les than 1 year and".

On page 75, line 25, strike "service" and insert "full-time service as provided in section 139(b)(1)".

On page 76, line 4, add after the period the following: "Except as provided in subsection (b), an individual described in section 146(a) who successfully completes a required term of part-time serviceas provided in section 139(b)(2) in an approved national service position shall receive a national service educational award having a value equal to $2,500 for each of not more than 2 of such terms of service.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, July 22, 1993, at 9 a.m., to mark up a Department of Defense Authorization Act for fiscal year 1994.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, July 22, 1993, at 10 a.m., to conduct a hearing on the Federal Reserve's semiannual monetary policy report and to vote on the Blinder, Stiglitz, Deseve, Gaffney, Levitt, and Carnell nominations.

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

COMMITTEE ON JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 10 a.m., to hold a hearing on the nomination of Ruth Bader Ginsburg to be Associate Justice of the Supreme Court of the United States.

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

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, July 22, 1992. The committee will hold a full committee hearing on the fiscal year 1994 budget authorization for the Small Business Administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 10 a.m., to hold nomination hearings on the following nominees: Mr. Richard Moose to be Undersecretary of State for Management, and Ms. Mary Raiser to be Chief of Protocol for the White House.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 22, beginning at 9:30 a.m., to conduct a hearing on the National Environmental Policy Act [NEPA], and environmental review of trade agreements.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 8 a.m., on Thursday, July 22, 1993, in open session, to receive testimony on Department of Defense policy on the service of gay men and lesbians in the Armed Forces.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs

and Alcoholism be authorized to meet for a hearing on the reauthorization of the Human Services Act: Head Start quality, during the session of the Senate on Thursday, July 22, 1993, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 22, 1993, at 9:45 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 22, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1156, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 22, 1993, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. FORD. I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet today at 2 p.m., to hear testimony on the subject of trade relations between the United States and Japan.

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

ADDITIONAL STATEMENTS

COSPONSORSHIP OF S. 869, VIOLENCE REDUCTION TRAINING ACT

• Mr. GORTON. Mr. President, domestic violence is a crime that touches all Americans. It crosses the lines of race, class, and age. It happens in every neighborhood, community, city, and State across the Nation. It affects our mothers, our sisters, our coworkers, and our friends. Sadly, however, we may never know that those close to us need our help. Victims of domestic violence often find their situation too painful or too personal to discuss with friends or family. Thus, they may never get the help that they vitally need. For too long we have been content to leave this burden of disclosure on the victim. We ourselves may be too embarrassed or feel it is not our place to reach into another's life to address this tragic crime. We cannot afford to be silent any longer.

Today I add my name to the list of cosponsors of S. 869, the Violence Reduction Training Act. This important legislation will provide health care professionals with the tools to reach out to victims of domestic violence and give them the support they need to end their abuse. This measure has already been adopted by the House of Representatives and I am proud to note that two members of the Washington congressional delegation—Congressmen MIKE KREIDLER and JIM MCDERMOTT championed this bill in the House. I will work to see that the Senate will soon follow suit.

For too long it was assumed that because no one talked about it, domestic violence was not a real problem. This could not have been more wrong. The statistics speak for themselves, telling us that domestic violence is the most frequently occurring and most underreported crime in the Nation. Each year, nearly 4 million women are the victims of domestic violence, making battering the single major cause of injury to women. Nationwide, nearly one-third of hospital visits by women are attributable to domestic violence. However, when admitted into the hospital, less than 5 percent are correctly diagnosed as being victims of domestic violence. The Violence Reduction Training Act will arm our medical professionals with the tools to effectively diagnose and address domestic violence.

This legislation will provide health care professionals the training to interview and identify individuals whose condition or statements indicate that they may be the victim of domestic violence or sexual assault. Further, the bill will direct health care professionals to refer victims to support groups that can provide services to combat violence and assault—including referrals for counseling, temporary housing, legal services, and community organizations.

These support services will provide desperately needed assistance to the victims of domestic violence, including those victims we often forget—the children of battered women. These children are often the unintended victims of domestic violence. Nationally, 75 percent of battered women say that their children are also battered. Additionally, violence witnessed at home is often repeated later in life. We must work to end this cycle now. We must teach our children that abuse is wrong and we must show them that we will work to stop it.

The Violence Reduction Training Act will not lessen the brutal consequences of domestic violence for its victims. But by giving our health care professionals the tools from which they can properly diagnose victims, it may make it a bit easier for the victims of this crime to talk with a medical professional and receive the help they so desperately need. Voice by voice, we can begin to end the deafening silence that has cost us too much, for too long.•

TRIBUTE TO MRS. I.E. (ARNOLTA J.) WILLIAMS

• Mr. GRAHAM. Mr. President, today I am proud to recognize Mrs. I.E. (Arnolta J.) Williams, for her many years of service to the Jacksonville community. Mrs. Williams, known simply as "Mama" to her friends and the privileged people she serves, has been selected by the Florida Council on Aging as the "Super Senior" for the State.

Mrs. Mama Williams was born 96 years ago in Charleston, SC, and since then has dedicated herself to helping others. She began her leadership role in the community in the 1920's by joining the Christmas Charity Club, one of the first African-American organizations included in the Community Chest, forerunner of the United Way. She has also volunteered extensively for the Jacksonville Urban League and for the exceptional Foster Grandparent Program.

Mama Williams has received numerous accommodations for her humanitarian efforts. In 1985, she received the Volunteer of the Year award from Volunteer Jacksonville and had the $1,000 prize contributed to the Gateway Nursery and Kindergarten. That same year, she was Barnett Bank's volunteer of the year, and she contributed her $4,700 prize to fund stipends for two Foster Grandparents. In 1987, Mrs. Williams received the United Way of America's Alexis de Tocqueville National Award for Voluntarism. Among her more than 60 awards are the EVE Lifetime Achievements Award, presented by the Florida Times Union in 1987; the Brotherhood Award presented by the National Conference of Christian and Jews in 1988; the President's Volunteer Action Award (silver medallion) in 1988; the Ronald Reagan Excellence in Voluntarism Award (gold medallion); the Living Legacy Award for Achievement from the National Caucus and Center on Black Aged, Inc. in 1988; an honorary doctor of humanities from Edward Waters College in 1987; Mary Singleton Senior Citizen Center "Light Bearer" in 1992; Foster Grandparents Tireless Volunteer Efforts in 1980; and a Certificate from USO for 5,000 hours of volunteer service in 1946.

In February 1993, the Jacksonville City Council passed an ordinance to name a newly constructed day care center the Arnolta J. "Mama" Williams Parent-Child Center, to honor her work in the community and her long-time dedication to this particular nursery.

Mama Williams is an outstanding humanitarian who believes in the great value of human life, the right of all human beings to achieve their greatest potential, and the need for every person to contribute to the betterment of the life of the community in which he or she lives. She is a tremendous, giving person who deserves the Florida Council on Aging's "Super Senior" honor as well as the recognition we give her here today.•

THE FHA MULTIFAMILY HOUSING FLEXIBLE DISPOSITION ACT OF 1993

• Mr. D'AMATO. Mr. President, I am pleased to cosponsor with Senator BOND, the FHA Multifamily Housing Flexible Disposition Act of 1993. This bill would provide the Department of Housing and Urban Development with the flexibility it needs to deal with the crisis in the Federal Housing Administration's Property Disposition Program.

The need for affordable housing is undeniable. All Americans deserve a decent place to live. For 59 years, the FHA program has been an essential element in helping low- and moderate-income people experience this opportunity. In order for this opportunity to continue to exist, the FHA program must be able to fulfill its mission while remaining financially sound.

HUD currently owns an inventory of 187 multifamily properties with 31,500 units and this inventory is growing rapidly. HUD's ownership of this inventory incurs significant costs. Holding costs for fiscal year 1992 alone totaled $248 million or approximately $8,267 per unit. Approximately 31 percent of the current inventory is in poor physical condition. Such deterioration creates an unsuitable living environment for existing tenants, drives down property values in surrounding neighborhoods, and wastes assets that could provide decent affordable housing.

The FHA property disposition process at HUD has virtually shut down because HUD lacks the section 8 funding needed to dispense of the properties. A balanced disposition plan is far overdue. HUD and Congress must work together to develop a plan that will provide the needed flexibility and innovation to dispose of the current inventory while addressing our communities' housing needs. This legislation provides a starting point for this process.

According to a recent study by Coopers and Lybrand, the Department of Housing and Urban Development is at risk of losing as much as $11.9 billion as hundreds of apartment building owners default on their mortgages. As troubling as that figure may be, it is even more troubling that the cost of this fiasco would be borne primarily by the American taxpayer.

This legislation would require HUD to submit a report to Congress after 18 months describing the various methods of disposition that it employed and make legislative recommendations for additional authority it considers necessary and appropriate. By granting the Secretary 18 months in which to dispose of these properties with innovation and creativity, we will be better prepared to find a final and realistic solution to this dilemma.

For several years HUD's information about it's multifamily mortgage insurance fund has been inadequate and inaccurate. HUD investigators have attributed this dilemma to staff shortages and a lack of accurate information about the status of loans. The Secretary must work to address these internal problems so that we are able to save the stock of affordable housing before it falls into complete and irremediable disrepair. This legislation will help the Secretary as he begins to find solutions to this problem.

Mr. President, I stress the importance of maintaining the actuarial soundness of the FHA insurance fund while at the same time balancing the need for providing affordable housing opportunities. Without the FHA program millions of Americans would be denied access to affordable housing. We must work to make the FHA multifamily program healthy before it is too late. This legislation is a solid step in that direction.•

VETERANS NATIONAL SERVICE EDUCATIONAL AWARDS

• Mr. MCCAIN. Mr. President, as my colleagues know, last night I proposed an amendment which, if adopted, would have ensured that the National Community Service Trust Act counts military service the same as community service for purposes for the education benefit. Under this bill, it is only service provided in the community that qualifies one for the education benefit.

Unfortunately, my amendment to correct this inequity was voted down—with a vote along party lines.

In my view, this was an unfortunate day for the men and women who are willing to put their lives on the line for their country. They have been told by the U.S. Senate that their service is not as valued as that of those who serve in the local community. Just ask those in the Midwest who today are benefiting from the services of the National Guard through the loading of sand bags and other attempts to control the flood.

Not only was the defeat of this amendment an unfortunate occurrence for these patriotic individuals, it was an unfortunate day for our Nation.

During the debate, I neglected to insert into the RECORD two items from the American Legion which should be in the RECORD to give those who look back on this vote a complete understanding of the merits of my amendment.

I ask that a letter of support from the American Legion be inserted into the RECORD.

I also ask that a study conducted by the American Legion regarding the comparison between the benefits in this bill and those provided through the GI bill.

The material follows:

THE AMERICAN LEGION,
Washington, DC, July 21, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The American Legion supports your proposed amendment to S. 919, to consider honorable completion of two years of active duty military service or 4 years service in the Reserve components as successfully meeting the community service requirements for National Service Plan participation.

The Montgomery G.I. Bill meets only 40 to 45 percent of current educational costs of a state university. Not all veterans elect to make the $1200 contribution for participation eligibility, therefore, leave military service without any educational benefits.

Members of the Reserve components received reduced educational benefits under the current Montgomery G.I. Bill. America saw first hand the vital roles played by the Reserve components during the Persian Gulf War. Yet many of these war time veterans are not eligible for participation in any educational benefits following their discharge from active duty service in the Persian Gulf War.

As the U.S. armed forces reduces active duty personnel strength levels, more missions will be relegated to the Reserve components. Therefore, veterans should be considered automatically eligible for participation in the National Service Plan.

The Legion views military service as the ultimate form of national community service.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

A COMPARISON: THE NATIONAL SERVICE PROGRAM VERSUS THE MONTGOMERY GI BILL

FOREWORD

The comparison of the National Service Program and the Montgomery GI Bill contained in this paper represents the results of many weeks of data gathering and reviews. However, since details of how the new program is to be administered and employed are yet to be determined, it could only be evaluated on the information available through Congress, the media and announcements by White House officials.

The cautions and concerns expressed in this paper should not be interpreted as disapproval. On the contrary, The American Legion favors any initiative that promotes volunteerism and provides education or training among America's youth. In fact, annually the Legion family provides over 3,040,000 hours of volunteer community service and has donated more than $37,500,000.00 to worthy children's and other charities.

What is obvious and should be questioned, therefore, is the creation of a costly new program that duplicates some, and competes with others. Good management practices dictate that government programs should augment or supplement one another for the good of all those they are intended to help.

It is hoped this paper will provide a cautionary note and give lawmakers pause in defining program parameters.

On April 30 President Clinton announced his national service initiative. This program would allow individuals age 17 or older to perform specified community service tasks, either full or part time, in exchange for at least a minimum wage salary and $5,000.00 a year for a two year period to meet educational expenses. Participants would receive health care and child care, an annual stipend and auxiliary aids and services as needed. All this would be provided without facing the burden of a large monthly loan payment after graduation.

The intentions of the program are fair and laudable. The goal is to allow people to take low-paying community service jobs without worrying about loan repayment schedules and receive meaningful compensation for their efforts. The National Service Program (NSP) will be combined with a new system of direct student loans which allows the students to repay the loan based on their income. Together, the two programs give American youth a choice of two avenues to pursue higher education.

According to the October 21, 1992 issue of The Chronicle of Higher Education, the 1992–1993 average cost of tuition, fees, board and room at a four year public college or university is $8071.00. The $5000 per year national service program educational award, plus the community service job salary, plus the annual stipend allows the student to adequately meet his needs. Day-to-day expenses would be the student's responsibility. But, the law allows him to receive up to 200% of the annual VISTA subsistence rate from federal sources, and a supplementary or matching figure from the state. If the student meets certain other, somewhat lenient criteria, he can receive up to $7400 per year in wages and stipends. Post-service stipends for VISTA volunteers range from $95.00 per month for each month of service, to $5000.00 annually. The option is even available for the student to receive the $5000 per year educational award (not the stipend) before completing the community service job. This would allow use of the benefit before having met the necessary requirements. Thus far, this is still a laudable program, but begins to become more than fair; generous is a better term.

Considerable thought has gone into the development of certain, but not all, requisite criteria for this program as evidenced by the boundaries established for its use. Students using the program have five years to either perform their 1700 hours per year for up to two years of National Service, or complete their two years of education or training, whichever they choose to do first. And, they may perform more than one 2 year term of National Service but may receive only one $10,000.00 educational award. The service they perform will be in an area where the need is greatest as determined by state and local authorities, and the student may withdraw from the program and still receive subsistence, a portion of the stipend and partial educational award. No procedures are yet identified for those who receive the educational award and then renege on the agreement to serve.

The program even allows participation by persons from other service programs such as the Peace Corps, Civilian Conservation Corps, ACTION, VISTA, and the Older Americans Volunteer Program. Initially, however, since the first year quota for National Service applicants is limited to 25,000, volunteers from other programs will be accommodated on a quota basis. Ultimately, more than 150,000 are expected to avail themselves of this program. In addition, they may use the National Service Program to augment the educational and training programs for which they were eligible in their previous volunteer service.

In view of these rather lenient eligibility requirements, the National Service Program is not only generous, but may be regarded as beneficial and rewarding. It has been referred to by some as the "civilian GI Bill".

The President's vision of this program draws upon the inspiring model for the GI Bill of Rights, which put millions of World War II veterans into college classrooms and made them the best deducted and most productive workers in American history. In fact, the original GI Bill has been regarded as one of the finest pieces of legislation ever enacted by Congress. THe Harvard Business Review in 1992 stated the veterans' enthusiastic response to the Bill signaled a shift by the world from an industrial based society to a knowledge based society.

Others have noted that the progress made by GI Bill educated veterans in the workforce and the professions has dramatically changed the image of veterans. Before the GI Bill, veterans were considered homeless derelicts because so many were unable to find work upon returning from previous wars.

Since 1944, more than 20 million veterans and dependants have participated in GI Bill education and training programs totaling more than $70 billion. It has been estimated that during the lifetime of the average veteran the U.S. Treasury receives from two to eight times as much in income taxes as it payed out to the veteran in GI Bill education benefits.

In the past the GI Bill has encountered some loss of funds through overpayemnts. Exact amounts of losses in GI Bill benefits are elusive because the majority of them occurred in the post-Korean War and early Vietnam era GI Bills. We do know however, that funds payed to both schools and to the veterans themselves were as a result of failure to report attendance and changes in enrollment. Today's continuous monitoring by the Debt Management Service of the Veterans Benefits Administration shows overpayment at $112 million by the end of 1992. Since the institution of monthly certifications by both the veteran and the school, the losses have been dramatically *minimized* and the overpayment rate has dropped significantly since the mid 1970's.

A March 1993 financial audit of the Guaranteed Student Loan Program done by the General Accounting Office indicates accountability measures were employed but were inadequate. The GAO evaluation indicates that as of September 30, 1992, the Department of Education reported that since fiscal year 1966, it had guaranteed approximately $142 billion in student loans, payed about $35 billion in interest subsidies and disbursed about $19 billion in gross default payments. Actions are underway to improve program oversight.

Over the years the GI Bill has been modified for use by more recent generations of GI's to serve the same purposes. However, while the educational outcome of the bill is still intact, entry into its eligibility has changed significantly.

Under the current Montgomery GI Bill (MGIB), enrollment is not automatic. A participant must agree to pay $1200.00 during the first year enlistment of active military duty to be eligible for the program. For 12 months $100.00 a month is deducted from a participant's wages. At the completion of the three year enlistment the participant is entitled to $400.00 a month for 36 months as a full-time student. This figure is about 42% of the national average cost of tuition to attend a state supported university. This money is intended to cover tuition, fees, board, room, books and living expenses. If the participant is a part-time student, the entitlement is reduced. There are no provisions for health care, child care, subsistence or a stipend. If the veteran is married with children and financial obligations, the veteran and spouse must find employment to remain solvent, invest in a private health care program and seek their own employment opportunity while in school, and after he graduates.

Veterans anticipating use of the MGIB must serve their period of enlistment honorably, must have a high school diploma, or the equivalent, must use it at either an accredited college or university or a Department of Veterans Affairs sanctioned training course, and do so within 10 years of discharge from the service. A careerist may use the MGIB while on active duty but must schedule class attendance around duty requirements. His readiness in his primary military specialty takes precedence over personal training or formal educational objectives. Frequently readiness means deployment to far flung geographical areas throughout the world. This means educational continuity is disrupted and G.I. Bill funds spent in advance are irrecoverable.

The veterans may not use MGIB funds to repay old education or any other kinds of debts, may not use the MGIB in concurrence with any other federally financed program, may use the MGIB only after making contribution into it and after three years of service, and must meet specific educational qualitative standards to continue to receive the benefits. If the participant has family responsibilities, he is expected to meet those as well. Nothing is given to him. He earns MGIB benefits in advance, he pays into it and obtains eligibility through his service to federal and national commitments.

The National Service Program clearly exceeds the benefits derived from the Montgomery GI Bill. After considering these two programs and the social and professional factors that now diminish military service, such as family separation, military pay freezes, limited cost-of-living allowances, eroding retirement benefits, unpredictable terms of service and duty in Iraq, Somalia or Bosnia, military service is less attractive than National Service. If given a choice of living in a tent and eating MRE's somewhere in Africa or living in an apartment and playing basketball everyday in a city park with children, it is obvious what the choice will be of American youth. Moreover, the caliber of the young military recruit of the future will most probably be less than it is today.

We are already seeing a decrease in the qualifications among those being recruited by today's army. The Chairman of the Joint Chiefs of Staff recently stated there were drops reported in the percentage of high school graduates among new recruits and a substantial decline in the numbers of young men considering enlistment in the last two years. The reasons cited were reduced career opportunities and the arduousness of military life. Furthermore, pay comparability between the armed forces and the civilian sector is still a goal, not a reality. Why then would a young person choose military service over national service? It is likely he would not.

Probably a more balanced view between the two programs can be seen when one does a side-by-side dollar value comparison. When the values are evaluated and we consider that some benefits derived from participation in other programs such as VISTA, the Peace Corps, ACTION program and others, are transferable for use when a young person enlists in the National Service Program, the breadth and value of opportunity is nearly incalculable.

MONETARY BENEFITS

	NSP	MGIB
Initial investment	(1)	$1,200
Amount of education award	[2]$10,000	[3]14,400
Minimum wage salary ($5 per hour times 1,700 hr)	[2]8,500	(1)
Stipend provided ($95 per month times 24 mo)	[2]2,280	(1)
Reimbursement for expenses incurred	Yes	(1)
Child care value	[4]6,700	(1)
Health care value	[4]2,880	(1)
Total program value	[2]30,360	[3]14,400

[1] None.
[2] 24 months.
[3] 36 months.
[4] 24 months estimated.

Options to the above costs must also be considered. For example, the National Service Program allows both a doubling of the stipend and the minimum wage salary in certain circumstances. Those would add an additional $10,780.00 to the value of the National Service Program. It also should be recognized that the NSP value is spread over twenty-four months and the MGIB program value is spread over thirty-six months. Even if the NSP were divided between 12 months of national service and 24 months of education, the NSP would be valued at more than the MGIB.

Reimbursement for transportation expenses are also offered by the NSP. This can mean a minimum outlay of personal funds to sustain one's self in the performance of national service duties. Most employees in any other civil occupation would be expected to fund their transport to and from work at their own expense. If more fortunate, however, they could be paid a small transportation differential. The veteran subsisting on the MGIB receives so such benefit.

Another, perhaps more germane, question The American Legion is concerned about is program management. According to the general principles outlined for the program is the establishment of a national level corporation to serve as the unifying, administrative structure. Presumably, they will set goals and objectives, approve suborganizations at state levels, set the guidelines for program users and monitor the two subcomponents, the National Service Program and the Volunteer Program divisions.

While screening selection and assignment of applications to service work will initially receive the highest visibility, dispersal of funds from this multi-million dollar initiative will be equally important, but less visible. It is this latter point that is also of concern. Lines of fiscal accountability are not clearly established in the program, nor are appropriate safeguards against fraud, waste and abuse.

Unlike the MGIB, this program does not have clear and stringent application criteria and lacks constraints that will assure the service will be performed to the satisfaction of program objectives, either before or after the educational award is made.

Also unlike the MGIB, very specific eligibility criteria to assure that those who really need this program are accepted into it. The program purpose is defeated if its benefits go to individuals who can afford the time or funds to make their own investments into their futures.

This is not to say a "means test" is required. It is simply common sense and rational that the persons who have the motivation to perform the national service and can least afford to pay their own way through formal educational or vocational education are selected as beneficiaries.

Now let's talk about efficiencies. It is both instructive as well as informative to examine the student loan and assistance programs that are already available. And one need not demonstrate scholastic or athletic prowess in order to avail themselves of some of them. These are programs that are in addition to the educational and volunteer requirements of programs like VISTA, the Peace Corps, the Montgomery GI Bill, ACTION and EXCEL.

Cost of attendance loans: Includes tuition, fees, room and board. This is campus-based aid.

Expected family contribution: This is a joint family/school cooperative loan. The school portion is campus-based aid.

Independent student loan: This is available for students over the age of 24 who have no parental financial tie. This is campus-based aid.

Merit Scholarship: This is a grant based on achievement, not on need. This is campus-based aid.

Need-Based Aid: This is offered through loans, grants or work-study programs. School contribution varies. Federal funds contribute.

Need-Blind Admissions: Application for admission overlooks student's ability to pay. This is campus-based aid.

Pell Grant: This is for undergraduates with demonstrated financial need. This is federally funded.

Perkins Loans: This is a low-interest loan program made to institutions for needy students. This is federally funded.

Stafford Loans: This is a low-interest loan program from commercial banks. The federal government pays the loan interest while the student is in school.

Supplementary Educational Opportunity Grants: A grant program offered directly by schools. This is federally funded.

Title IV Program: This is a combination of some of the above programs and aid programs from the Department of Education. This is federally funded.

So, while it's helpful to know of the availability of these programs, it's even more curious why there is need of another program. The Legion questions first of all, whether it is necessary to offer a new program only to add health and child care benefits, and a service oriented job; or is it necessary to provide a new program simply to inspire volunteerism.

Community service programs using paid or unpaid volunteers have, likewise, been around for years. If the individual's primary motivation is to do public service, and education is secondary, several programs exist that are federally funded. Six of them are overseen by the Commission on National Community Service. These programs were funded in FY 1993 at $191.5 million. These programs include: Conservation and Youth Service Corps; Serve-America; Higher Education; National Service Demonstration Programs; Civilian Community Corps; and Civilian Community Corps Defense Downsizing Projects.

Another seven community service programs are overseen by ACTION, an independent governmental agency specifically chartered to administer service activities. These programs were funded in FY 1993 at $339.1 million. These programs include: VISTA; RSVP; Foster Grant parents; Senior Companion Program; Student Community Service Program; Special Volunteer Program; and VISTA Literacy Corps.

Finally, seven other programs exist that bring together a combination of community service opportunities and participation benefits. These programs were funded in FY 1993 at $876 million. These programs include: The Peace Corps; Community Service Learning Program; National Health Service Corps; Senior Community Service Employment Program; National Guard Civilian Youth Opportunities Pilot Prgm; Points of Light Foundation; and HOPE VI.

Education programs and paid or unpaid volunteer programs have coexisted for years as either separate entities or interdependent programs. The question therefore is: What is the goal of the National Service Program? If it is to offer educational opportunities to young people, whether needy or not, why can't a simpler method be employed to amend an existing student loan or grant program to add the provisions of the National Service Program?

If the objective is to recruit more volunteers to participate in essential community service programs to help solve serious social ills in towns and cities, why can't an existing community service program be amended to add these inviting benefits? It seems as though the taxpayers of the United States now have a solution and only need a problem to solve.

The last concern of The American Legion that gives us pause is the choice of a House Congressional committee that will serve as the jurisdictional authority for the National Service Program. This program has been referred to the Subcommittee on VA, HUD, and Independent Agencies under the Committee on Appropriations. This subcommittee appropriates on the order of $89 billion of revenue to 15 different agencies of the government. It is made up of ten members from various states and who have differing interests.

Of major concern is that the National Service Program is estimated to cost $394 million for first year funding in FY 1994. By the time the program is four years old it is estimated it will cost at least $3.4 billion a year. This includes not only money for education grants, but includes child and health care, wages, stipend costs and the funds just to administer the program as well. Some government officials and certain outside observers have estimated it even higher.

The Administration estimates the total cost per participant, including loan forgiveness, would be similar to that in the VISTA program, which last year cost $16,000.00 per participant. Since students would be able to remain in the program for two years, the cost per student would rise to $32,000.00. As the program matures it is estimated to cost $22,667.00 per year per student by the time the program is five years old. However, as you can see by the estimates on page 7, program dollar value exceeds that in the first year.

The students it will benefit in the first year are estimated to total 25,000. By the fourth and subsequent years approximately 150,000 total students are scheduled to be maintained on the service rolls of this program alone. This is in addition to the more than 580,000 volunteers on whom the government spent $1.5 billion in FY 1993 for existing

and continuing community service and education programs. Because the loan forgiveness amount of $5,000.00 per year is far more generous and exceeds other forms of federal tuition assistance, the 7.1 million people who benefit from all other existing programs are likely to clamor for similar assistance.

Where the subcommittee will obtain its funding to meet the requirements of the National Service Program is yet to be determined. The American Legion fears a large, unaffordable portion of it will come from the Veterans Affairs appropriation.

Now that we have prepared a comparison between the National Service Program and the MGIB, The American Legion believes there is less fairness, equity and balance between the two programs than originally thought. It appears as though there is an imbalance and the National Service Program is in competition with and created at the expense of the Montgomery GI Bill.

Before closing this discussion it is appropriate to take a moment to make one more point about the concept of national service. The linkage of national service with the armed forces is a natural one. The military has a long tradition of service to communities, states and the nation. It has often been in the forefront in carrying out social change such as equal opportunity, integration in the workplace and participating in programs for the disadvantaged. The military services have developed in millions of young men and women the attitudes, values, beliefs and characteristics that the nation will expect to be fostered by civil national service. In addition, military units, to include the National Guard and the reserves, have a long history of community ties and sacrifice. That tie has come in many forms other than defending national security. It is shown repeatedly in disaster relief and crisis response actions following local or regional catastrophes. It can be said that the military forces of the United States have never failed to respond to a call for national service.

In our view, military service represents the most selfless form of national service to the nation. No civil national service program could ever compare to the risks, hazards and sacrifices endured by our men and women wearing the uniform of their country.

The American Legion is not denouncing the national service program. Indeed, we have always supported such educational initiatives. And this program is more than generous to the nation's youth. It is simply unfair and imbalanced. As our National Commander, Roger A. Munson, stated; "We do think it is a strange set of priorities however, when those who are currently providing a national service to their country are entitled to less benefits than those who have yet to serve their nation. What do we say to the brave young men and women who served with distinction in Desert Storm and who at this very moment are on duty in Somalia, serving at sea and stationed in Europe, Korea and elsewhere? It is only right and just that we more adequately recognize the highest form of national service—service in the armed forces of the United States."

If in fact, voluntary enlistment, divestiture of independence, family separation and deployment to regional or foreign locations under austere or even hostile circumstances is the epitome of national service, then the military service member should have a choice of education programs after his enlistment is complete. Service with active duty, national guard or reserve units for specified periods of time deserve the same benefits as the proposed National Service Program. The two should not compete—they should compliment one another.

To be completely fair, impartial and balanced the two programs can coexist. If they cannot, one of them surely will wither and diminish in use and appeal. Today's veteran deserves a choice when he completes his enlistment—education from the MGIB or the National Service Program. Afterall, America's civilian youth have choices without the sacrifice. Why not reward the military veteran who has already made his sacrifice?•

EXPLANATION OF ABSENCE

• Mr. MURKOWSKI. I regret that I was unable to participate in the Senate schedule for Tuesday, July 20, thus not voting on four amendments on the Hatch Act and final passage on that measure. I was positioned on each of the votes, however.

My schedule called for me to board a late afternoon flight in Fairbanks, AK, that would have taken me through Anchorage and on to Detroit, getting me into Washington Tuesday morning, July 21, at 8:45 a.m., in plenty of time for the votes which started at 2:15 p.m.

Unfortunately as a consequence of receiving a yellow jacket sting, to which I am extremely allergic, it was impossible for me to travel Monday night because of my swollen condition. As soon as I was medically able to travel, I returned to Washington arriving 9:30 Tuesday evening to participate in scheduled Senate activities.•

TRIBUTE TO THE CENTENNIAL CELEBRATION OF SOUTH DIVISION HIGH SCHOOL

• Mr. KOHL. Mr. President, it is with a great deal of pride and admiration that I call the Senate's attention to the centennial celebration of South Division High School in West Allis, WI. The celebration will commemorate 100 years of South Division's service to, and friendship with, its community.

South Division has become the second oldest school in its county. The school has survived—and thrived—because of the strength and support of the community, the continuous commitment of the faculty and administration to education, and the success students have in a supportive and nurturing environment. As South Division High School continues to provide a superb education to the community of West Allis, I hope it will also serve as a model for other schools and communities throughout the country.•

TRIBUTE TO MIKE WALDMAN

• Mr. D'AMATO. Mr. President, I pause today to remember my friend, Mike Waldman, a man whose good nature and friendly demeanor were legend in these hallways. I was deeply saddened to learn of his passing on Monday and wish to share my sincerest condolences with his family and the army of friends who cherish his memory.

It can easily be said that Newsday, my hometown newspaper, has lost one of its finest writers and most experienced reporters. He coupled sharp insight with a big heart and a great sense of humor. Newsday's editors will struggle mightily to find someone who can come close to Mike's understanding of Washington while maintaining a sense of fairness and decency.

Mike and I often shared a special laugh about the unique perspicacity of many of those editors, which we likened to an impenetrable darkness. But together we agreed to laugh it off and keep our sense of humor. I must admit, now, to losing mine occasionally, but he never lost his.

Those of us who knew Mike will never walk by the press gallery without missing the New York sound of his voice, the latest news, a hot political joke, and a warm pat on the back. His spirit lives in our hearts and those old rafters.•

ENVIRONMENTAL IMPLICATIONS OF THE NAFTA

• Mr. BAUCUS. Mr. President, I rise today to discuss the environmental and labor conditions on the United States-Mexican border; their implications for the North American Free-Trade Agreement; and the prospects for resolving those concerns through the ongoing negotiations over side agreements.

THE RICHEY DECISION

Several weeks ago, Judge Charles Richey found that the National Environmental Protection Act requires the administration to complete an environmental impact statement on the NAFTA before submitting it to Congress. In my view, his reading of NEPA has merit. If the appeal bears that out, we will have to think hard not only about how to proceed not just with the NAFTA but with other trade agreements.

Judge Richey's ruling may or may not be upheld. If it is, environmental impact statements may or may not be the way to address the environmental effects of trade agreements. But in principle, Judge Richey is correct. We must have a formal way to consider the environmental impact of trade agreements before we approve them.

Trade and the environment are impossible to separate. The links are particularly strong in the case of the NAFTA. It would be a much better agreement, and would have much brighter prospects today, if the Bush administration had given some serious thought to its environmental effects.

ENVIRONMENTAL AND LABOR CONDITIONS ON THE BORDER

The existing free-trade or maquiladora zones on the border show why this issue is so important. The maquiladoras create a lot of economic activity. But they also create disastrous environmental problems, which

cost money and cause disease and human suffering. If we pass the NAFTA, we must be sure it will not repeat the maquiladora experience on a larger scale.

Governor Richards of Texas estimates it will cost $4.2 billion to clean up her section of the border alone. Estimates for the full border area go as high as $20 billion. That is for pollution alone. I do not believe anyone has even begun to calculate the cost of treating the preventable pollution-related illnesses that are rampant in border towns.

In Juarez alone, 55 million gallons of industrial sludge and 24 million gallons of raw sewage flow into the Rio Grande every day. That is enough to fill up and empty the Capitol dome 17 times a day, every day, every week, every month, every year. And that is just what we know about.

I walked down to the Rio Grande when I visited El Paso and Juarez 6 weeks ago. It is actually not very grand. It is about 50 feet wide and 4 feet deep on a good day. And it literally stinks. It is full of sewage, garbage and industrial waste. It is an eyesore and a health hazard. A drainage canal running alongside it, nicknamed Aguas Negras, or Black Waters, is even worse. Worst of all, although you can not see them, are the chemical plumes traveling underground contaminating drinking water on both sides of the river.

All this directly affects the health of American citizens. Infectious hepatitis in El Paso runs at five times our national rate. And as maguiladoras move up the technological ladder and use more industrial chemicals, the problem can only get worse.

Second, labor standards. I visited a family of 10 who live in Juarez. They live in a tin shack with four rooms. No running water or electricity. The two youngest daughters—age 13 and 16—work in U.S.-owned electronics assembly plants, in violation of child labor laws. No one else in the family can get a job. Their mother told me that women in the area are routinely fired when they get pregnant.

A maquiladora worker showed me his weekly paycheck. He makes 70 cents an hour. The company is kind enough to come up with an extra 17 cents as a bonus for good attendance if he does not get sick. Again, a U.S.-owned plant.

By evading United States and Mexican environmental law, these companies give themselves a pollution subsidy. They make taxpayers pay for cleaning up their garbage and waste. They cause preventable diseases and make taxpayers and law-abiding firms pay the resulting higher insurance rates. They cut their costs at the expense of law-abiding firms and families with children on both sides of the border, and get an unfair advantage over companies which obey the law.

These problems are bad enough as it is. I will not support a NAFTA that makes them worse. Free trade must not pit law-abiding American businesses against plants whose costs are lower because their owners dump hazardous waste into the river, evade child labor laws, and fire employees who want to have a baby.

NEED FOR STRONG SIDE AGREEMENTS

The administration's proposal for strong side agreements—creating commissions on the environment and labor with independent secretariats and the right to collect data—can help us solve these problems. As a last resort, we need to be able to use trade sanctions if the law is not enforced and negotiations fail.

This proposal is simple and logical. It says that companies which go south to take advantage of a pollution subsidy, cut costs, and injure law-abiding American firms should not get the benefits of the NAFTA. If we can get such a side agreement, I will support the NAFTA. On the other hand, I will have to vote against a NAFTA without strong side agreements.

Unfortunately, the Mexican Government is hesitant to accept the trade sanction provision. They suggest imposing fines on Government enforcement agencies instead of trade sanctions on polluters. I cannot think of any precedent for this in any international agreement. It may well be unworkable, as it depends on the willingness of a Government agency to fine itself under foreign pressure. I simply do not believe it solves the problem.

In the coming weeks, the Mexican Government must decide whether a NAFTA with strong environmental guarantees is worse than no NAFTA at all. Mexico, of course, can reject our proposal. But if they do, I think they are also rejecting the NAFTA. And I think we ought to make that clear to them.

CONGRATULATIONS TO THE ALLEN EDMONDS SHOE CORP.

• Mr. KOHL. Mr. President, I rise to congratulate the Allen Edmonds Shoe Corp. of Port Washington, WI, for being recognized by President Clinton as part of yesterday's White House Small Business Day.

Allen Edmonds quite simply makes some of the finest shoes in the world. As part of yesterday's events, John Stollenwerk, the President and CEO, joined in a teleconference with Vice President GORE and the Administrator of the Small Business Administration, Erskine Bowles. He was able, along with seven other small businessowners, to ask questions and share his concerns with Vice President GORE and Administrator Bowles.

I must say that I think it is remarkable—though certainly proper—that the White House is willing to put so much time into listening to the challenges faced by small businessowners across the United States. President Clinton has also dispatched Administrator Bowles to hold a series of townhall meetings throughout the country so that we can hear firsthand the experiences, needs, and successes of small business. This is a welcome step. The first element of good policymaking is good listening.

Mr. Stollenwerk has much to teach us. He has used the resources and loan programs of the SBA to buy new equipment, expand his profitable business, and create jobs.

In addition, Mr. Stollenwerk has led the fight to open up the Japanese shoe market to quality American shoes. We all know it takes more than a good product to penetrate that market—it takes tenacity and innovation and guts. I expect that other American businesses will learn and profit from Allen Edmonds' success.

Again, I congratulate Mr. Stollenwerk and all the other Allen Edmonds employees. They should be proud of their work, and we are privileged to have them in our State.•

CAPTIVE NATIONS WEEK

• Mr. SIMON. Mr. President, this week marks the 34th anniversary of Captive Nations Week, the week in which we remember citizens of oppressed nations around the globe. While this anniversary has been laden with meaning every year since 1959, this one is unique.

The horrific carnage in Bosnia takes on fresh significance with this commemoration. We need only turn on a television to bear witness as the Bosnian people are held hostage, transferred from their ancestral homes, and deprived of the basic rights to which every human being is entitled. This week is the perfect occasion to rededicate ourselves to the resolution of the Bosnian crisis. The United States must take the lead in this area, and together with our allies we must do more to establish peace in this region.

In the People's Republic of China, the citizens of the most populous nation on Earth are still not afforded the basic liberties that this anniversary serves to promote. The images of the brutal suppression in Tiananmen Square linger in our minds, and this commemoration reminds us that the Government of China still works to annihilate the once independent nation of Tibet. With the recent 1-year extension of most-favored-nation trade status to China, it is appropriate this week to press China to implement serious reforms, and to carefully review these changes before awarding MFN status to China again.

In the same neighborhood, we cannot forget North Korea, one of the few remaining Communist countries. The

dictatorship government of North Korea continues to deny basic freedoms to its citizens, and it unnaturally divides the Korean peninsula. The recent tensions with North Korea show that its government is willing to use a nuclear threat to destabilize the region and the entire world. We must press North Korea to fully recommit to the Nuclear Non-Proliferation Treaty, and to allow international inspection of its nuclear facilities.

And in Burma, the State Law and Order Restoration Council [SLORC] continues to deprive its people of human rights. This military regime still imprisons 1991 Nobel Peace Prize recipient Daw Aung San Suu Kyi, the winner of Burma's democratic elections of May 1990. We have to do more on Burma.

It is a fundamental truth that no person can be truly free unless every person is free. On this anniversary of Captive Nations Week, at least one person in five on this planet is denied their freedom. Let us use this occasion to reinvigorate our effort to bring freedom to the remaining captive nations, so that we all may be truly free.●

REGARDING PHILADELPHIA NAVAL SHIPYARD

● Mr. D'AMATO. Mr. President, yesterday, I listed in the RECORD the job titles of the over 100 employees of the Philadelphia Naval Shipyard that had participated in developing the winning bid for the maintenance contract for the U.S.S. *Seattle*.

I made the point that only because Philadelphia Naval Shipyard [PNSY] was feeding off the Federal trough could it afford such profligacy, and promised to review the relevant statutes concerning private/public shipyard competition.

According to the Navy:

Regarding public/private competitions, the following currently apply:

10 U.S.C. 7314;

Sections 352 & 353 of the FY93 DOD Authorization Act, P.L. 102-484; and

Section 9095 of the FY93 DOD Appropriations Act, P.L. 102-396. Regarding negotiated competitions, generally, the following apply:

10 U.S.C. Chapter 137, Section 2301, et. seq.

Regarding FY92 public/private competition (as was the competition in question), the FY92 DOD Appropriations Act, P.L. 102-172, OMN, applied.

The key section from Public Law 102-172 that applied to the competition for the U.S.S. *Seattle* read:

The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards * * *.

10 U.S.C. 7314 states:

SEC. 7314. Overhaul of naval vessels: competition between public and private shipyards.

The Secretary of the Navy should ensure, in any case in which the Secretary awards a project for repair, alternation, overhaul, or conversion of a naval vessel following competition between public and private shipyards, that each of the following criteria is met:

(1) The bid of any public shipyard for the award includes—

(A) the full costs to the United States associated with future retirement benefits of civilian employees of that shipyard consistent with computation methodology established by Office of Management and Budget Circular A-76; and

(B) in a case in which equal access to the Navy supply system is not allowed to public and private shipyards, a pro rata share of the costs of the Navy supply system.

(2) Costs applicable to oversight of the contract by the appropriate Navy supervisor of shipbuilding, conversion, and repair are added to the bid of any private shipyard for the purpose of comparability analysis.

(3) The award is made using the results of the comparability analysis.

The Navy continued, in response to one of my questions, that:

The Navy process to "level the playing field" for shipyard depot maintenance competitions is divided into two parts.

A detailed realism analysis is conducted of only the public shipyard price proposal. This realism analysis helps to ensure the public shipyard is bidding the current best estimate of performing the work because the public shipyard effort is treated similarly to a cost-type contract. Private shipyard price proposals are reviewed only to ensure the offeror understands the full scope of work because the private shipyard is awarded on a contract at a firm fixed price. Private shipyards are not required to propose the full cost of the work.

In addition, cost comparability factors are developed to account for differences in the accounting for costs between public and private shipyards, where these costs can be identified and reasonably quantified. The proposed prices of the offerors are adjusted to account for these differences. The award decisions are based on these adjusted prices. Finally, in accordance with statutory law applicable through FY92, the Navy Secretariat was required to certify (and in fact certified in this case) that the successful proposal includes comparable estimates of all direct costs for both public and private shipyards. From FY93, the Defense Contract Audit Agency makes these certifications.

Credit the Navy for thoroughness. I have asked the Navy to provide me with the comparability analysis done for both the U.S.S. *Seattle*, and the recently awarded U.S.S. *Detroit*, competitions. If an apples to apples comparison between private and public shipyards is possible, these analyses should show it.

Furthermore, in the case of the U.S.S. *Seattle*, I will be particularly interested in comparing PNSY's performance to its best estimate prior to award. Because the Navy must ultimately pay Philly Shipyard whatever it costs to do a job, the temptation for buy-ins is great as there is no penalty for underestimating costs or overrunning price targets.

In my next statement, I will review the comparability analyses.●

EXTENSION OF THE NATIONAL AIR AND SPACE MUSEUM

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 122, H.R. 847, a bill to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport; that the bill be deemed read three times, passed, the motion to reconsider laid upon the table; and that any statements relative to this measure appear in the RECORD at the appropriate place.

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

The bill (H.R. 847) to provide for planning and design of a National Air and Space Museum extension at Washington Dulles International Airport was considered, deemed read the third time, and passed.

Mr. WARNER. Mr. President, I rise today to applaud the passage of H.R. 847, legislation authorizing the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

This is a project to which I have devoted 10 years of my life here in the U.S. Senate. I would like to also recognize Senator ROBB's dedication to this project during his tenure as Governor of the Commonwealth of Virginia and as a U.S. Senator.

This proposal has been 10 years in the making, and we would not be here today without the hard work and dedication of two of our former colleagues, Senators Goldwater and Garn. Their support over the years was invaluable.

This marks the sixth time that similar legislation has passed the Senate, most recently on June 9, when it passed S. 535, legislation sponsored by myself and Senators ROBB, MOYNIHAN, SASSER, and GLENN.

On June 29, the House of Representatives passed, for the first time ever legislation authorizing the Air and Space extension at Dulles. Unfortunately, the House did not take up the Senate-passed S. 535, but its own bill; but this makes little difference since the Senate has taken the leadership role these last 10 years.

I now look forward to working with the Commonwealth of Virginia and the Smithsonian Institution to meet what challenges may lie ahead in bringing this extension to Dulles in a smooth and expeditious manner.

I want to reiterate that this is a very important and special day for all of us here in Virginia. I thank my colleague from Virginia for his work in getting this legislation approved.

Mr. ROBB. Mr. President, I am very pleased to join my senior colleague this evening in formally acknowledging the final passage of the bill to authorize the design and extension of the

National Air and Space Museum at Dulles International Airport.

I particularly want to thank my senior colleague, Senator WARNER, for all of his hard work over a long period of time on this project. He has made reference to several colleagues. I will specifically mention Senator MOYNIHAN, Senator GLENN, and former Senator Jake Garn, during the period of time that I have been here, for their very patient support of a proposal that was first introduced in Congress in 1984 and has been considered in each of the Congresses since.

Mr. President, I have been an avid supporter of the Air and Space Museum extension at Dulles since the Smithsonian first proposed the idea in 1983, while I was Governor. My distinguished successors in that office, Jerry Baliles and Doug Wilder, have maintained the Commonwealth's commitment to the project.

The Dulles extension of the museum is a much needed addition to the Smithsonian's facilities. The marvels that are housed in the museum on the Mall are only a fraction of the wonders that can be housed in the extension.

From the *Enola Gay* to the SR–71 Blackbird to the space shuttle *Enterprise*, there are simply too many remarkable items that are currently inaccessible to us because the museum on the Mall cannot possibly accommodate all of them.

The Smithsonian's Board of Regents repeatedly affirmed its selection of Dulles as the appropriate site for an Air and Space Museum extension.

Dulles has been chosen, both because its location will allow tourists easy access from the main museum on the Mall and because the Dulles site is the most economical option available to the Federal Government.

The site will be further enhanced when a proposed rail link is built in the Dulles transportation corridor.

In short, I am pleased that this project is moving forward.

The National Air and Space Museum extension at Dulles International Airport will prove to be a great benefit both to Virginia and to the Nation.

Mr. FORD. Mr. President, let me compliment the two Senators from Virginia. As chairman of the Rules Committee, we have worked together over these many years, and I am glad to see that we are now bringing this to a final conclusion. They worked diligently on it. It is an opportunity to save and to be able to say to our children that they can look at this great museum, and I want to compliment both of them for a job well done.

Mr. WARNER. Mr. President, may I respond by thanking the distinguished chairman of the Rules Committee and his predecessor, and, indeed, the ranking member of the Rules Committee, Mr. STEVENS, and I thank the majority leader and Republican leader and managers of the bill for the courtesy they have extended.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, it is my understanding that the senior Senator from South Carolina [Mr. THURMOND] wishes to make some remarks this evening. I do not think there will be any objection to this, so I ask unanimous consent that, as soon as Senator THURMOND is here, he be recognized and that, at the completion of his statement, the Senate then stand in recess under the order.

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

Mr. FORD. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

A TRIBUTE TO SENATOR BOB DOLE

Mr. THURMOND. Mr. President, I would like to take this opportunity to offer my heartfelt congratulations to our Republican leader, Senator BOB DOLE, who is celebrating his 70th birthday today. I have a great deal of affection and respect for the Senator from Kansas, and I want to wish him a very happy birthday.

Senator DOLE is a man of character, courage, and compassion, and an outstanding advocate for the people of Kansas and this Nation. In spite of his youth, he has a great deal of common sense, and he is a master of the legislative process.

Unlike some in public life, BOB DOLE has never forgotten his roots, and his upbringing in Russell, KS. His parents raised him to be hardworking, honest, and fair, and he has never strayed from that path.

BOB knows what is really important to people outside of this hothouse we call Washington. He knows what it means to be a smalltown boy without a lot of money in his pocket. He remembers the quiet joys of country life and the back-breaking work on the farm; and he draws strength from the faith and fortitude instilled in him by his parents.

Probably the greatest gift Senator DOLE brings to debate here in the Senate is his ability to cut through the rhetoric and ask the tough questions. With common sense, uncommon ability, and a large dose of humor, he provides the unflagging leadership that we often take for granted, but could not do without. He is a great man and a gifted leader, and I am proud to call him my friend.

ORDERS FOR FRIDAY, JULY 23, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 8 a.m., Friday, July 23; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then immediately proceed to H.R. 2348, the legislative branch appropriation bill, as previously announced by the majority leader.

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

RECESS UNTIL 8 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8 a.m., Friday, July 23, 1993.

Thereupon, at 8:35 p.m., the Senate recessed until tomorrow, Friday, July 23, 1993, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1993:

DEPARTMENT OF DEFENSE

Graham T. Allison, Jr., of Massachusetts, to be an Assistant Secretary of Defense, vice Stephen John Hadley, resigned.

Sheila E. Widnall, of Massachusetts, to be Secretary of the Air Force, vice Donald B. Rice, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert F.Watson, of Virginia, to be an Associate Director of the Office of Science and Technology Policy, vice Donald A. Henderson, resigned.

DEPARTMENT OF TRANSPORTATION

Frank Eugene Kruesi, of Illinois, to be an Assistant Secretary of Transportation, vice Stephen T. Hart.

DEPARTMENT OF ENERGY

Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, Department of Energy, vice Calvin A. Kent, resigned.

IN THE AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Gordon E. Fornell, xxx-xx-xxxx, U.S. Air Force.

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Daniel W. Christman, xxx-xx-xxxx, U.S. Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. William W. Hartzog, xxx-xx-xxxx, U.S. Army.