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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Tuesday, February 8, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

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

Let us pray:

* * * *what the law could not do, in that it was weak through the flesh* * * *.—Romans 8:3.

Almighty God, eternal in the heavens, help us comprehend the limitations of law. The Apostle Paul revered the law to which he referred, the Law given to Moses, the Torah, the Creator's design for life as it was created to be. Even that perfect Law of God has its limitations because of "the weakness of the flesh."

Ruler of the nations, help us see that the deepest crisis in history is a spiritual-moral crisis. We trust in the gods of our own invention—or in ourselves as gods. We fail to take seriously the God who created us, who engraved on the human heart through conscience the same Law He engraved on the tablets of stone for Moses—the God who endowed us with "certain unalienable rights."

Eternal God, perfect in truth, justice, righteousness, and love, teach us to trust You rather than the gods of our invention—the little gods of manmade religion, whatever its label. Teach us to trust the true God who transcends, by infinity, the transitory gods of human imagination. Help us to put our faith in the God who created us, not the gods we create.

In His name who is the Way, the Truth, and the Life. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1150, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Coats Amendment No. 1386, to provide a low-income school choice demonstration program.

(2) Grassley Modified Amendment No. 1388, to prohibit the use of certain funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, access to information, and an opportunity for a hearing, to provide for enforcement of such prohibition, and to require the Secretary of Education to designate or establish an office and review board within the Department of Education.

(3) Mack Amendment No. 1389, to achieve significant school reform and innovation through empowering parents, students, teachers, and local school boards.

(4) Helms Amendment No. 1390, to prohibit the use of funds to support the distribution or provision of condoms or other contraception devices or drugs to an unemancipated minor without the prior written consent of such minor's parent or guardian.

(5) Kennedy/Jeffords Amendment No. 1393, to ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage family participation in such programs.

(6) Levin Amendment No. 1394, to provide that no funds shall be denied to any State or local agency because it has adopted a constitutional policy relative to prayer in public schools.

(7) Jeffords/Gregg/Dodd Amendment No. 1420, to express the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget constraints.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. is equally divided and controlled by the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Massachusetts [Mr. KENNEDY], or his designee.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

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

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that amendments are not in order.

Mr. MURKOWSKI. Based on my understanding with the floor manager, this amendment had been cleared by the committee of jurisdiction, the Committee on Indian Affairs, and cleared as well by the Labor Committee. I ask the Parliamentarian to re-

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

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view her comments with regard to the amendment, because it is my understanding that it has been cleared by unanimous consent.

Mr. JEFFORDS. If the Senator will yield, what bill are we amending?

Mr. MURKOWSKI. S. 1361, the school-to-work bill.

The ACTING PRESIDENT pro tempore. The Senate is currently considering S. 1150.

Mr. JEFFORDS. Madam 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. JEFFORDS. Madam 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.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I would appeal again to the Parliamentarian relative to the amendment that I am prepared to offer. My amendment would attach S. 1059, the Alaska Native Culture and Arts Development Act, to S. 1361.

The ACTING PRESIDENT pro tempore. If the Senator obtains unanimous consent, it would be in order to offer the amendment.

Mr. MURKOWSKI. The Senator would ask unanimous consent.

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

Mr. MURKOWSKI. I thank the Chair and I thank the Parliamentarian and floor managers.

SCHOOL-TO-WORK OPPORTUNITIES ACT

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from Alaska that we need to move to the bill.

The clerk will report

The legislative clerk read as follows:

A bill (S. 1361) to establish a national framework for the development of the school-to-work opportunities systems in all States, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton Amendment No. 1429, to encourage the placement of youths in private sector jobs under the Summer Youth Employment and Training Program.

(2) Kassebaum (for Coverdell) Amendment No. 1432, to prohibit the use of funds for School-to-Work Opportunities programs until the deficit increase resulting from fiscal year 1994 emergency spending is eliminated.

(3) Kassebaum (for Dole) Amendment No. 1433, to express the sense of the Senate regarding a limitation on the amount of funds appropriated to carry out School-to-Work Opportunities programs.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

AMENDMENT NO. 1434

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

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 1434.

Mr. MURKOWSKI. Madam 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:

SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

Mr. MURKOWSKI. Madam President, I rise today to offer an amendment on behalf of Senator STEVENS and myself to S. 1361, the school-to-work bill.

The amendment would attach S. 1059, which is the Alaskan Native Culture and Arts Development Act to S. 1361.

The Alaska Native Culture and Arts Development Act was introduced by Senator STEVENS and myself on May 28, 1993, and was referred to the Senate Committee on Indian Affairs.

Through the efforts of the chairman and the ranking member, the committee favorably reported the bill on November 17, 1993 and on November 20, 1993 the bill passed the Senate.

The amendment I am offering today amends the Native Hawaiian Culture and Arts Development Act by making the act apply also to Alaska Native arts and culture development as it does for native Hawaiians.

Mr. President, since the early 1980's statewide representatives of Alaska Native organizations have conducted planning efforts to establish a statewide Alaska Native Cultural Center under the auspices of the Alaska Native Heritage Park.

The proposed park's objectives are: To preserve, portray, and transmit Alaska's Native heritage; to educate and foster understanding and appreciation of native arts and culture among Alaska Natives and non-natives; and to promote pride and self-esteem among Alaska Natives.

Delegates to the Alaska Federation of Natives Conventions—representing 90,000 Alaska Natives—have continually adopted resolutions supporting the Alaska Native Heritage Park and creation of an Alaska Native Cultural Center.

Native elders throughout the State have been engaged in planning efforts that will ensure the authenticity of the program's design.

Mr. President, the amendment I am offering today has already passed the Senate. My amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I would like to thank Senator KASSEBAUM and Senator KENNEDY for supporting my amendment and compliment them on their efforts to protect and enhance Alaska's Native heritage.

It is my understanding that this amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I want to thank my colleagues, Senator KASSEBAUM and Senator KENNEDY,

the floor managers, for allowing the amendment to come up and accommodating me.

I would ask for its immediate consideration.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, both sides of the aisle have examined this amendment and have no problem with it. Therefore, I would ask at this time that it be appropriate that we vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Without objection, the Senate will return to consideration of S. 1150.

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

At 10 o'clock, we will vote on five outstanding amendments to S. 1150, the Goals 2000: Educate America Act. Senator GRASSLEY's amendment, on which we had considerable discussion last Friday, has been modified to reflect an agreement reached by all sides. The other four amendments were debated at length during Friday's session and we will vote on them later.

I hope that upon disposition of these amendments and those related to the school-to-work bill, we can move expeditiously to consideration and disposal of the Levin amendment, which will be controversial.

Final passage on this critical piece of legislation has been delayed long enough. It has been 10 years, by my count, since the report "Nation at Risk" brought the public's attention to the serious state of our Nation's schools.

Today, we will have an opportunity to design and go forward to establish a program to eliminate the serious deficiencies in education. Whether or not it will be a success, we do not know. But I am hopeful that, rather than just pass another bill which will outline all the wonderful things we would like to do, it will turn into a meaningful path to get to where we want to be.

Last week's debate proved that interest in education reform remains high. While we may argue about the best method to achieve reform, there is no debate that reform must occur. Indeed, some of the amendments offered by my colleagues reflect the differences of opinion about how to achieve the goal of school reform. Though not all of the changes were accepted, those amendments included in the final package will improve and strengthen this legislation, and I praise my colleagues for their efforts in so doing.

S. 1150 represents a bipartisan consensus and reinforces the notion that States and towns are responsible for education and restructuring. We have not tampered with that basic American belief. Thanks, in part, to the amendments offered by Senator GREGG, the bill makes clear that the Federal role in education is limited to financial incentives and replication of model programs. The bill also includes regulatory flexibility, grants to schools to prevent violence, and other changes to improve the legislation.

We have a strong bill and something to be proud of. But let us not make this bill a hollow promise. The future of our next generation depends upon the education it receives from our schools. We cannot, in good conscience, codify these goals without providing the adequate resources to achieve them.

I think it is an investment and one that we simply must make. I stand ready to make education a higher priority in the Federal budget than it is now and to provide the resources that will produce the tangible results for our young people. This is what Goals 2000 means to me—the start of real action to improve America's educational system.

Madam President, I want to take a few moments to thank all of the Members and their staffs that made passage of this bill possible.

First, let me thank and commend my colleague, Senator KENNEDY. Passage of this legislation could not have been possible without his leadership. And let me thank his staff, in particular, Ellen Guiney, Clayton Spencer, Matt Alexander, Ron Weich; Senator PELL and his staff, David Evans and Michael Dannenberg; Senator KASSEBAUM, and her staff, Lisa Ross and Wendy Cramer; and I thank my own staff, especially Pamela Devitt and Katie Henry.

Madam President, at this time, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way that the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only will we pass Goals 2000, the education reform legislation, the first such legislation that has successfully made it through the Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act that was put forward by our friend and colleague Senator DODD; the School-to-Work Act, which I will talk more about later and which was really energized by our good friend Senator SIMON and others; and the Office of Education Research and Improvement legislation, which will represent the first time that we have really ensured that this agency will be equipped to do the kind of research that it was initially set up to do, and which is a bill that has been awaiting passage for over 3 years. In a single day, we will lay much of the foundation for lifelong learning in this country.

In passing Goals 2000, we will also have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me, "If I could ask you to take a single message back to Washington it would be this: Please have a sense of urgency about what we are doing here with students, and help us."

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America. We are seeding a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core subjects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs, at the local level, with parents and teachers and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a Bottom-Up Review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank the chairman of our Education Committee, CLAIBORNE PELL, who, as I mentioned at the opening of the discussion and debate, has had a lifelong commitment to strengthening education, at the elementary and secondary level, as well as at the postsecondary level, including the transition from school to work. I also thank Senator KASSEBAUM, and I thank Senator MITCHELL as well, for moving this legislation so expeditiously at the beginning of this year.

This has been a long and deliberative process. In 3 days we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill but have left its essence intact: A framework for high academic standards, locally developed, and implemented with our support.

I want to thank in particular the members of our staffs that have worked so well on this. My own staff, Ellen Guiney, Clayton Spencer, Matt Alexander, and Ron Weich; David Evans and Michael Dannenberg of Senator PELL's staff; Pam Devitt and Katie Henry of Senator JEFFORDS' staff; Lisa Ross and Wendy Cramer of Senator KASSEBAUM's staff.

Madam President, I will mention briefly again what we really hope will be accomplished with Goals 2000. Effectively, this legislation does eight things.

First of all, it sets into law the six national education goals and a bipartisan National Education Goals Panel to report on progress toward achieving the goals. The goals have been adopted unanimously by the Governors. This legislation writes the goals into law, and it will allow us to assess what progress we are making toward achieving those goals in a way that the country can see and understand.

Second, we will establish a process to certify, through the National Education Standards and Improvement Council, voluntary academic standards in core subjects that are meaningful, challenging, and appropriate for all students.

We will identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards.

We also will approve new assessments that are voluntarily presented to the National Education Standards and Improvement Council, assessments that can accurately measure performance on the new and challenging content standards. So we are establishing world class standards and also creating effective kinds of assessments so that parents and children, teachers, members of the education community, and the entire country, will understand, really for the first time, what progress we are making in education at the elementary and secondary level.

We will establish the National Skills Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world. We are establishing world class standards for elementary and secondary education, and we are also setting high standards in terms of job skills. Later in the day we will pass the school-to-work legislation which complements Goals 2000.

We will provide resources to help States and local communities initiate their own local reform measures to create innovative schools and to ensure that students reach the standards. We emphasize moving resources down to the local level as soon as possible to ensure that there really is bottom-up reform, with support from the top.

We will increase flexibility for States and school districts by waiving regulations and other requirements that might impede school-based reform. We believe that this will encourage a lot of energy and creativity at the local level. I think most of us who have had the opportunity to talk with teachers and parents will understand the importance of supporting this kind of effort.

We will also create an Office of Technology within the Department of Education, which will give States grants to develop technology plans. We will have follow-up legislation, S. 1040, which will help our neediest schools by giving them grants to provide technology in the classroom, give loans to those school districts which are more affluent, and establish training programs for teachers. We not only need new technologies, but we also need to improve training efforts for teachers, so they can utilize these new technologies to enhance academic achievement for our young people.

Madam President, I think we have a good program here. We are grateful to all of our colleagues for their support and for their efforts and for the consideration which they have given to this legislation.

I know Senator EXON wishes to address the Senate, so I will withhold further comments at this time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. EXON. May I ask the Chair, are we under controlled time?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Massachusetts controls 11 minutes, the Senator from Vermont controls 11 minutes 53 seconds.

Mr. EXON. I would like 5 minutes to discuss the matter before us and other matters I could take up in that time.

Mr. KENNEDY. I yield 5 minutes.

Mr. EXON. I thank my colleagues and I thank the Chair. Let me start, Madam President, by saluting the Senator from Massachusetts and the Senator from Vermont for this particularly excellent job I think they have done on this piece of legislation, Goals 2000. I will support the legislation. It is not a perfect piece of legislation but seldom do we pass perfect legislation in this body.

I really, firmly believe that education is so important. Through the efforts of these two Senators and their staffs and others we are making an important step in the right direction to improve education in the United States of America while assuring the decision-making process is maintained at the local level, with the local school board. I think that particular position cannot be overemphasized.

BOSNIA

Mr. EXON. Madam President, I will now turn to another subject, an overriding international subject that is on the minds of many Americans and many of us in the House and Senate this day. That has to do with Bosnia.

Madam President, I have discussed this matter before. I say again, I hope that we will listen to the advice of our military leadership and never, ever commit American ground troops to be involved unilaterally or as a part of a United Nations effort to restore order there until and unless there is a cease-fire that looks like it has a chance to hold. That is not in the offing as of now.

I will simply say to the President and our other decisionmakers that I hope we will be very careful and very cautious as to what we do and not do. Naturally, with the recent atrocities that happened there—the killing of civilians—there is a tendency to move and move now.

I will simply sum up my position by saying that we should not get further involved there unless and until we think through what the ultimate situation might be. I think it might best be summed up, in my mind at least: Do not go without a workable goal.

Let me repeat that: Do not go without a workable goal.

The superpower of the United States of America cannot and should not be involved as the ultimate policeman of the world. On many occasions, I have said that I am fearful that we are becoming the police force of the United Nations. The United Nations has done a lot of good over there, I think, in many things, and certainly the efforts of the United Nations today have alleviated some of the problems there.

But if we are going to enter into some arrangement with the United Nations and limit that only to selected bombing of gun emplacements of the Serbs around Sarajevo, then I think the word of our military leadership that has been stated over and over again will likely come to pass: It will not be effective.

I simply say in using the phrase "do not go without a workable goal" that we should tell the United Nations, we should tell our allies in NATO that if we are going to be involved in such a situation with them, we have to look beyond as to what will happen if the selected bombing raids do not work, which I suspect they will not for a variety of reasons.

I simply say, Madam President, that unless the United Nations and unless our NATO allies are willing and agreeable to what would happen as the next step if the selected bombing in the combat area does not work, what do we do then, it seems to me that we ought to cross that bridge that has been talked about very little. If the bombing starts there and it does not work, then I think we have a responsibility, in conjunction with the United Nations and our NATO allies, to agree we would talk about bombers and other warmaking potential of the Serbs throughout the former state of Yugoslavia, even to Belgrade itself.

I am talking about warmaking essentials—communications, railroad yards, factories and everything else that has gone into the success of the Serbian aggression and ethnic cleansing, if you will, in that troubled part of the world. I think we should go slow, we should go carefully. Last week, the week before last, I chaired a meeting in the Armed Services Committee with our counterparts in the armed services committees of our NATO allies.

I will sum up by saying I think there was much diversion, discussion, and division among our NATO allies, as there probably is in the United States. Unless we have a clear policy thought through that can have a chance of winning, I say, do not go.

In closing, Madam President, let me say once again I simply warn, while some action might be in order, I suggest that the United States of America not go without a winnable goal. I thank my colleagues for yielding me the time, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Massachusetts.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, I yield myself 4 minutes.

Just to review for the membership exactly where we are, we will commence voting at 10 o'clock and the first vote will be on a school choice amendment by Senator COATS. Our position is in opposition to this. We addressed this issue in 1990. We had a good debate on this at the end of last week. We believe that scarce resources should not be utilized for private schools but should be focused on the public schools of this country. That position is supported overwhelmingly by the American people.

Second, we will have a Grassley amendment to protect the parental role in surveys administered to children. I thank the Senator from Iowa. We support that amendment. We think it strengthens the Gephardt language which exists in current law.

Third will be Senator MACK's amendment on the role of the States. We oppose his position, and we are supported by the Governors, as well as the heads of the State agencies dealing with education. We hope that the Senate will reject this amendment.

Next will be the Helms amendment requiring parental consent for distribution or provision of condoms or other contraceptive devices or drugs or information about contraception. We recommend voting no, and instead we hope that the Senate will support an amendment which Senator JEFFORDS and I have offered restating the law which has been in effect since 1981, which involves parents to the extent possible. So we will vote on the Helms amendment first and then on the amendment which Senator JEFFORDS and I have offered.

Then there will be the Jeffords amendment, which is a sense of the Senate that does not impose unfunded mandates, of which we are in strong support.

Finally, there will be a Gorton amendment to the school-to-work legislation. The Senator from Washington would provide tax credits for the hiring of summer youth. We are in opposition to the Gorton amendment, and there will be a motion to table the amendment. We have tried to work this issue out. There may be changes in the Summer Youth Program, but this amendment would not really provide any kind of accountability, no assurance that at the end of the summer these young people would continue to work. We do not know how decisions would be made as to which companies would be able to get the approval of the young people. So we recommend tabling the Gorton amendment.

We will then move on to the Goals 2000 legislation. We still have pending the final passage of both Goals 2000 and the School-to-Work Program.

There are two or three items left: The Levin school prayer amendment to Goals 2000, and another amendment offered by the Senator from North Carolina relating to that; Senator DOLE's School-to-Work amendment on paying for the program; and Senator COVERDELL's amendment on paying for earthquake relief. We are still in the process of trying to work these out. I am hopeful we will be able to do so.

Again, I thank all of the Members for their attention. As I mentioned earlier, we worked out a great majority of the amendments, and we are thankful to all of our colleagues. We are hopeful that we will be able to conclude consideration of both of these measures today. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

STATE GOVERNANCE OF SCHOOL-TO-WORK PROGRAMS

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, I rise to express my concern about a change in the provisions for State governance which was made in the substitute amendment to the committee bill. Specifically, the committee provided that the Governor of each State would apply for these grants, with the provision that plans for implementing a statewide school-to-work system would have to include evidence of support of the agencies and officials responsible for the different programs affected by the plan and their agreement with the plan. That provision is dropped in the substitute we are considering here, and I am concerned about what that means for assuring the commitment of State and local education agencies and resources which must be linked with Federal funds to provide effective programs. The committee bill included the provisions so that there was clear agreement by the education authorities presented to the Secretaries in considering the application and grant approval.

We must be certain there are affirmative agreements from education authorities to make this program work. In many States, Governors do not have the authority to commit certain education resources or agree to provisions for education standards, certification, or quality controls assigned to chief State school officers and or State boards of education. In addition, there are provisions in the bill for waiver requests under Federal laws, such as chapter 1 and Perkins vocational training, which are under the authority of education agencies.

New systems for school-to-work transition are not going to work without the explicit agreement of the State education officials for those parts of the plan that involve their programs. We must be certain this Federal law does not override States rights in the governance of education.

Mr. KENNEDY. Madam President, I appreciate my colleague's concern here. As he knows, we have in the committee bill and the substitute amendment a provision that says, "Nothing in this Act shall be construed to supersede the legal authority of any State agency or official over programs that are under the jurisdiction of the agency or official." We strengthened that provision in the substitute amendment to assure that all the responsibilities recognized in Federal law and granted in State law are respected. The House

version of the bill contains the same provisions.

We also provided in the committee bill and the substitute that in approving these plans, the Secretaries of Labor and Education would give priority to applications that demonstrate the highest levels of collaboration among the various State agencies and officials in planning and implementing these systems. We strengthened the provision in the substitute amendment by including concurrence of these officials in that priority.

Mr. JEFFORDS. It is reassuring to know there are provisions to recognize State statutes and avoid unintentionally changing the responsibilities education agencies have under other Federal laws. However, we need more than a priority for concurrence among these officials and the Governor in the review of applications. That does not prohibit the Secretaries from approving grants to States where concurrence is not evident. Concurrence and explicit agreement, stated in the State plan, must be a condition for the Secretaries' approval. Without explicit statements of agreement, the Federal departments are in the business of judging the degree of agreement at the State level, and does not assure that the various education agencies and officials responsible for the programs affected by the plan are on board. There need to be something up from in the plan itself to show this agreement.

Mr. KENNEDY. I understand the Senator's concern and assure him this will be an issue we will address in conference with the House. Madam President, as you know, the House bill has provisions for education officials and agencies to approve the parts of the plan over which they have jurisdiction. We all know we are going to have to work out something that assures there is the broadest feasible agreement among all the responsible agencies and officials with the plan.

Mr. JEFFORDS. I thank the chairman. I appreciate his willingness to work with me on this. The provisions for planning and administration of these school-to-work systems at the State levels must reflect the kind of collaboration and explicit agreement that is demonstrated in this bill between the Federal Departments of Labor and Education. That is key to the success of this initiative across the States.

Madam President, I would like to make a few additional comments, as I see no other Members on my side of the aisle present at this time. I would like to say, again, that this is a critically important bill, the importance of which we cannot overestimate. I want to give some reasons as to why that is the case. Let me run through first some of the goals that we have established and where we are.

With respect to the first goal—by the year 2000 all children will start school ready to learn—we find that there are many, many children who are not in that capacity at this point. We have, for instance, only a small percentage of our young children attending preschool, especially with respect to the economically underprivileged.

For instance, in 1991, only 37 percent of 2-year-olds had been fully immunized.

Less than half of all 3- to 5-year-olds from families with incomes less than $30,000 were enrolled in preschool.

Fully 70 percent of the children eligible for Head Start go unserved.

Goal 2 can be a little misleading. It says by the year 2000 the high school graduation rate will increase to at least 90 percent. You will find there are records that, at least by the age of 24, 88 percent do get a high school diploma. But if you take a look at how they rate, relative to the skills and knowledge they should have under goal 3, you will find that we are really in bad shape.

Some of the facts there: Less than 50 percent of those who graduate from high school now have the basic skills necessary to be able to meet the goals that are in the bill, goal 3 in particular.

Also, as far as goal 3 is concerned, we have a long way to go before we are going to reach the standards which are necessary in order to meet what has to be done for this Nation.

In goal 4, for instance, by the year 2000 our students are supposed to be first in math and science, and yet in recent tests of 13-year-olds in 11 of the industrialized nations, we were last in math and next to last in science.

We also have a real problem with respect to those who are going on now to get their doctorates. More and more of our doctorate degrees are given to people from out of this country. That used to be good when they stayed in this country to aid us, but now almost all of them are leaving. For instance, 50 percent of those who get doctorate degrees in mathematics are from out of this country; 44 percent computer science and 50 percent in engineering are not members of this country, because we do not have a sufficient number applying for those schools.

Goal 5 is another one where we are really in bad trouble: By the year 2000, every adult American will be literate. The evidence is that we have anywhere from 30 to 80 million functionally illiterate people in this country, incapable of meeting the skills necessary for jobs, even the simplest employment in most cases. By the year 2000 we are supposed to have them all literate. It is a goal which will be incredibly difficult to meet.

I wish to say that we have a long way to go, but let me also, before I end, talk a little bit about the cost of not meeting those goals.

The total cost right now to our country by the failure to have an adequate educational system totals close to half a trillion dollars. One-half of a trillion dollars is lost in our GNP because of our present problems with education.

Let me summarize some of those areas.

Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Vermont controls 6 minutes.

Mr. JEFFORDS. I yield myself 4 minutes.

Lost productivity: $225 billion a year. These are all from studies which have been done by experts to determine the cost of our educational system in its present state.

One is probably the most interesting in the sense of defining what we have to do to correct our problems. The cost of on-the-job remedial training and education to our industry is $200 billion a year. In other words, our industries have to spend $200 billion a year to make up for the deficiencies in our school system training.

Welfare costs: Health and Human Services, Housing and Urban Affairs, Department of Education, and the Department of Labor spent over $208 billion, while States spent another $82 billion on means tested entitlement programs collectively referred to as welfare. The programs consist of trying to make up for the deprivation of education to a large extent. Improved education there will save much of that money.

For instance, in a book by David Kearns and Denis Doyle, "Winning the Brain Race," it was indicated that early intervention with the Head Start Program could have a major impact to improve the prospects of young children, and yet we only serve 30 percent of those who are eligible.

The cost of drugs, another area which is greatly related to the educational system, $238 billion. The Institute of Health Policy at Brandeis came up with these figures. That is what is lost to our economy by people not having choices perhaps other than use of drugs.

Crime and incarceration: $43 billion a year. If you look at the record, 82 percent of those who are in prison now are school dropouts.

I could go on and on.

Another area is unemployment. The figures show that a substantial number, a very large percentage of those unemployed are those who are school dropouts.

Health care: Another $141 billion is estimated to be lost by the lack of adequate education; 15 percent of the population is not covered by health insurance. Those people are primarily working poor and would be helped by increased educational opportunities. That is from the Health and Human Services Census Bureau.

My point is, yes, we have serious problems but, more importantly, if you

look at it from the future of the country, if we do not correct them, then we will continue to lose the economic growth that would be created by an adequate education system. The choice is ours.

I am confident that we will pass the goals, but the question that will remain is, will we have the dedication to change the priorities of this Nation in order to provide the resources necessary to have a chance of meeting those goals. We will pursue that later on, but today let us set the goals.

Madam President, I yield to the Senator from Kansas such time as she may consume.

Mrs. KASSEBAUM. Madam President, I ask if I may have 2 minutes.

Mr. JEFFORDS. That is fine. The Senator is yielded 2 minutes and, if the Senator needs more, let me know.

Mrs. KASSEBAUM. I thank the Senator.

Madam President, I wish to express my appreciation for the stewardship and leadership that the Senator from Vermont [Mr. JEFFORDS] has given to educational issues. He was dedicated to this issue when he was in the House. He has continued that dedication in the Senate and has managed, of course, the Goals 2000 legislation for the Republican side of the aisle.

As has been stated over and over, Madam President, this is legislation which addresses education from the bottom up. It reinforces support for local control. It reinforces the importance of the school boards. It reinforces the need to work from the local level and encourages States to be participants in the partnership. It has the strong support of the National Governors Association. It is not a mandatory bill. It is a bill that addresses the importance of education with the interests of students, parents, and teachers at the heart of it.

It is for these reasons I am supporting this bill, and I wish to express appreciation to all staff and Senators who have been very involved in addressing the issue in this Chamber.

I thank the Chair.

AMENDMENT NO. 1386

Mr. BRADLEY. Madam President, I rise in support of the low-income school choice demonstration amendment. Choice may not be the panacea for all our Nation's education ills, but we cannot afford not to take an honest look at whether more options would help kids who today are trapped in the worst schools in our poorest areas.

When we first took up this amendment 2 years ago, I thought about the schools and the families in the most desperate and impoverished areas of New Jersey, such as the cities of Paterson, Jersey City, and Newark. I asked people then, and I have asked them more recently, are those school systems better or worse than they were 15 years ago, when I came to the U.S. Senate? Worse, I was told, and my own eyes confirm that sad fact. There are schools where crime, disorder, and drugs so dominate the daily lesson plan that there is hardly time to begin dealing with real learning.

For 15 years, while we have stood here debating what to do with the public schools, we have lost a generation. To save the next generation, we need to try anything that might work. We need to try anything that gives families that want their kids to learn and grow an immediate option, a way out. We need to be imaginative about using resources for education that are already there and can make an immediate difference. I strongly support Goals 2000, and share the commitment to systemic reform in our public schools. I have seen such reform begin to make a difference in Camden, Trenton, and other cities that have begun to change their own expectations of what students and teachers can achieve. I support full funding for every public program that works for kids, Head Start and Chapter 1. But real change may take time. Kids do not have time. If there is something out there that might work, we cannot wait to find out.

There is a resource in our cities that gives families a way to see that their kids get a basic, disciplined education in this sort of environment. I think of schools like St. Benedict's in Newark or St. Bartholomew in Camden. They happen to be private; these two happen to be operated by Catholic dioceses. But they have been serving the public at modest cost. Most of the students are non-Catholic; most are black or Hispanic.

That option is rapidly disappearing for many families. More than 25 urban Catholic schools closed their doors in New Jersey, not because they did not want to educate poor kids, but because they could no longer afford to. Across the Nation, there are 300 fewer urban parochial schools than there were 10 years ago. Enrollment in the 10 largest cities declined by 200,000 kids in the last 10 years; in Newark, 20,000 fewer students are served, largely because the schools are in trouble.

When a school that works shuts its doors, especially in an area where most schools do not work, it is a tragedy whether that school is public or private. An opportunity is lost to thousands of families and their kids. Nothing we do here with a few hundred million dollars for systemic reform can make up for the loss of hundreds of schools that work. If there is a way to keep good schools that serve the broadest public purposes alive, we should try it. If there is a way to encourage new schools to emerge to serve public purposes, we should try it. This amendment will help us find out if we can open schools to students who deserve better options.

If this amendment were much different than it is, I would not be able to support it. I would not support the demonstration program were it not targeted to the families that most need help—those eligible for subsidized school lunches—in the most troubled areas. I am skeptical of voucher proposals that might subsidize the few who can already afford private schooling, but this demonstration will pay for the full cost of attendance at any participating school, so that it will create realistic options. The certificates will cover transportation costs, again making the option more realistic than in other voucher proposals. The funding will be new money and will not cut into our other investments in education. The amendment includes language that I suggested 2 years ago to absolutely guarantee that none of the funds provided through this program go to schools that discriminate on the basis of race. Above all, this amendment asks a great deal of all the schools that might participate. It insists that those schools serve, or continue to serve, a public purpose.

I view this amendment as a real demonstration: It might work, it might not. Advocates of choice have put a lot on the line with this proposal. If it does not work, we will know it, and we will never again hear choice described as the sure cure for American education. If it does work, we will learn more about how to improve all schools. We will learn whether empowering parents with good choices gets them constructively involved with their kids' educations. We will learn whether schools that now succeed at educating students whose families can pay for their education can remain successful servicing more students from poorer backgrounds and with troubled home lives. Above all, we will find out whether a school choice demonstration project improves results across the board, for all students in all the public and private schools participating.

I do not know whether these choice demonstrations will improve results, whether students will do better at math and science, come out better prepared for college or the work force. I do know that at a time of crisis, we have to take risks. We have to find out what might work, before we lose another generation. I support the amendment.

Mr. MITCHELL. Madam President, there will now occur a series of votes, at least seven in number. It is, I think sensible that we limit the length of time for all of the votes after the first one. Therefore, I now ask unanimous consent that all votes after the first vote be for 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JEFFORDS. No objection.

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

Mr. MITCHELL. So, Madam President, Senators should be aware that the first vote, which will occur shortly, will be the usual time limit, and then votes thereafter will be for 10 minutes. Senators are encouraged to remain in the Chamber to cast those votes. Further, it is their responsibility to see that the clerk has recorded their vote, and I encourage them not to leave so as not to miss votes during this sequence.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. KENNEDY. Madam President, do I have 20 seconds remaining?

The ACTING PRESIDENT pro tempore. All time has expired.

VOTE ON AMENDMENT NO. 1386

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 52, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—41

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Bradley	Grassley	Nickles
Brown	Gregg	Nunn
Byrd	Hatch	Packwood
Coats	Helms	Pressler
Cochran	Kassebaum	Roth
Coverdell	Kempthorne	Simpson
Craig	Kerrey	Smith
D'Amato	Lieberman	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	

NAYS—52

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerry
Biden	Exon	Kohl
Bingaman	Feingold	Lautenberg
Boren	Feinstein	Leahy
Boxer	Ford	Levin
Bryan	Glenn	Mathews
Bumpers	Graham	Metzenbaum
Burns	Harkin	Mikulski
Campbell	Hatfield	Mitchell
Cohen	Heflin	Moynihan
Conrad	Hollings	Murray
Daschle	Inouye	Pell
DeConcini	Jeffords	Pryor
Reid	Sasser	Wellstone
Riegle	Shelby	Wofford
Robb	Simon	
Sarbanes	Specter	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1386) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1388, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1388 offered by the Senator from Iowa [Mr. GRASSLEY]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—93

Akaka	Faircloth	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Coats	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford

NAYS—0

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1388), as modified, was agreed to.

VOTE ON AMENDMENT NO. 1389

The PRESIDING OFFICER. The question occurs now on amendment No. 1389 offered by the Senator from Florida [Mr. MACK]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 61, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—32

Brown	Gregg	Murkowski
Burns	Hatch	Nickles
Coats	Helms	Packwood
Coverdell	Kassebaum	Pressler
Craig	Kempthorne	Roth
D'Amato	Kerrey	Shelby
Dole	Lott	Smith
Domenici	Lugar	Stevens
Faircloth	Mack	Thurmond
Gorton	McCain	Wallop
Grassley	McConnell	

NAYS—61

Akaka	Durenberger	Metzenbaum
Baucus	Exon	Mikulski
Bennett	Feingold	Mitchell
Biden	Feinstein	Moynihan
Bingaman	Ford	Murray
Bond	Glenn	Nunn
Boren	Graham	Pell
Boxer	Harkin	Pryor
Bradley	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Sasser
Cochran	Kennedy	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Specter
Danforth	Lautenberg	Warner
Daschle	Leahy	Wellstone
DeConcini	Levin	Wofford
Dodd	Lieberman	
Dorgan	Mathews	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1389) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1390

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1390, offered by the Senator from

North Carolina [Mr. HELMS]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—34

Bennett	Faircloth	McConnell
Brown	Ford	Murkowski
Burns	Grassley	Nickles
Byrd	Hatch	Pressler
Coats	Heflin	Roth
Cochran	Helms	Sasser
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Smith
D'Amato	Lott	Thurmond
Dole	Mack	Wallop
Domenici	Mathews	
Exon	McCain	

NAYS—59

Akaka	Feinstein	Mikulski
Baucus	Glenn	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Gregg	Nunn
Boren	Harkin	Packwood
Boxer	Hatfield	Pell
Bradley	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Jeffords	Riegle
Campbell	Kennedy	Robb
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Warner
Dorgan	Lieberman	Wellstone
Durenberger	Lugar	Wofford
Feingold	Metzenbaum	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1390) was rejected.

VOTE ON AMENDMENT NO. 1393

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1393 offered by the Senator from Massachusetts [Mr. KENNEDY].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Grassley	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Inouye	Riegle
Coats	Jeffords	Robb
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Sarbanes
Conrad	Kennedy	Sasser
Coverdell	Kerrey	Shelby
Craig	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Smith
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	
Exon	McCain	

NAYS—2

Faircloth	Wallop

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So, the amendment (No. 1393) was agreed to.

VOTE ON AMENDMENT NO. 1420

The PRESIDING OFFICER. The question occurs on amendment No. 1420 offered by the Senator from Vermont [Mr. JEFFORDS].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—93

Akaka	Faircloth	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Coats	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1420) was agreed to.

SCHOOL-TO-WORK OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1361.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute in terms of the order of votes, if there is no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator is recognized for 1 minute.

Mr. KENNEDY. Mr. President, for the information of the Members, we will vote on this amendment now. There are two, the Coverdell and Dole amendments, that I understand have been worked out. They will be accepted by unanimous consent unless there is objection to them. Right after this vote, we will go to those, and they will be accepted without objection, and then we will have the final passage vote on the School-to-Work Program.

So we will have final passage right after this, with intervening action by Senator KASSEBAUM to ask the Chair to put forward the Dole and Coverdell amendments, which have been worked out.

I thank the Chair.

VOTE ON AMENDMENT NO. 1429

The PRESIDING OFFICER. Under the previous order, the question is on

agreeing to the motion to table amendment No. 1429 offered by the Senator from Washington [Mr. GORTON].

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—50

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boren	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Packwood
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Kennedy	Reid
Campbell	Kerrey	Riegle
Conrad	Kerry	Robb
Daschle	Kohl	Sarbanes
DeConcini	Lautenberg	Sasser
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone
Exon	Lieberman	Wofford
Feingold	Mathews	

NAYS—43

Bennett	Faircloth	Murkowski
Biden	Gorton	Nickles
Bond	Grassley	Nunn
Brown	Gregg	Pressler
Burns	Hatch	Roth
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Mack	Warner
Domenici	McCain	
Durenberger	McConnell	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the motion to table the amendment (No. 1429) was agreed to.

AMENDMENT NO. 1433, AS MODIFIED

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, there are now only two pending amendments to the school-to-work bill and there is one amendment that was adopted yesterday that needs to be modified.

I understand Senator DOLE is willing to modify his amendment.

The PRESIDING OFFICER. The Chair will remind the Senator the pending amendment currently is amendment No. 1433, offered by the Senator from Kansas, Senator KASSEBAUM, for Senators DOLE and NICKLES.

Mrs. KASSEBAUM. Mr. President, at this time I ask unanimous consent to modify the Dole-Nickles amendment, No. 1433, and send the modification to the desk.

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

The amendment (No. 1433), as modified, is as follows:

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

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominately from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate on amendment No. 1433, as modified?

The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, as modified, the amendment is acceptable. It expresses the sense of the Senate that the school-to-work initiative should be funded predominantly from streamlining existing programs. This is reflected in the President's fiscal year 1995 budget. So I hope it will be agreed to.

Mr. DOLE. Mr. President, as we head into the 21st century, America must be prepared to meet the challenges of a world that is becoming increasingly more competitive. Few can dispute the importance of a highly skilled and well-trained work force to America's competitive position and to her economic security.

Now, the stated goal of the school-to-work bill is a laudable one: To help ease the transition from high school to the workplace. Far too many of our young people are not adequately equipped with the skills necessary to be effective workers. American productivity suffers as a result.

Over the years, the Federal Government has pumped billions upon billions of dollars into job training: The Department of Education runs 59 separate programs at a total annual cost of more than $13 billion. The Department of Labor has 34 programs carrying a yearly price tag of $7 billion. Even the Interior Department has gotten into the act, running two separate job-training programs with an annual cost of more than $22 million. According to the General Accounting Office, the Federal Government spends nearly $25 billion each year on 154 separate job training and education programs. That's a lot of money, and a lot of programs—even by Washington standards.

The school-to-work bill continues this spending pattern by authorizing hundreds of millions of dollars in additional funds over the next 5 years.

I agree with the other concerns raised yesterday by my distinguished colleague from Kansas, Senator KASSEBAUM—that the School-to-Work Program lacks the flexibility necessary to successfully integrate existing job-training programs; that the priority given to "paid-work experience" is a disincentive to business involvement and could have the unintended consequences of reducing opportunities for our young people; and, most importantly, that school-to-work is nothing more and nothing less than another stand-alone job-training program.

Before spending more money on job-training program No. 155, we ought to first have a full accounting of the 154 other Federal programs that are already up and running: Which programs work, and which ones don't work? Which programs can be made more effective through consolidation or streamlining, and which ones should be eliminated altogether?

These concerns are real: For example, the Wall Street Journal reported that the Education Department's Vocational Lending Program made loans to train 81,600 cosmetology students, even though the job market is creating slots for just 17,000 new cosmetologists. This is the sort of ill-conceived and wasteful spending that gives Government a bad name.

To his credit, Secretary of Labor Robert Reich has himself recognized that pouring more money into the job-training hodgepodge doesn't serve anyone—except perhaps the Government bureaucrats. As he recently pointed out in a speech before the Center for National Policy: "Investing scarce resources in programs that don't deliver cheats workers who require results and taxpayers who finance failure." Secretary Reich then outlined his philosophy on job-training:

> Where a program works and meets a real need, we'll make it happen. Where it doesn't we'll eliminate it. And where it's broken, we'll fix it. Build on what's working, get rid of what's not.

I agree. And that's why I joined yesterday with my distinguished colleague from Oklahoma, Senator NICKLES, in offering an amendment that would put the Senate on record as supporting what works, and opposing what doesn't work.

Our amendment is straightforward: It expresses the sense of the Senate that, in fiscal years 1996 through 2002, the School-to-Work Program should be funded predominantly from savings resulting from efforts to eliminate, consolidate, or streamline existing education and job training programs that are either duplicative or ineffective.

In other words, I am willing to give Secretary Reich's philosophy a fighting chance: Let's consolidate, streamline, and eliminate those programs that don't work before throwing more money into another high-dollar Fed-

eral program. Indeed, if the Department of Labor and the other Federal agencies do their job and identify those programs that deserve to be streamlined or eliminated, there should be plenty of funds left over to finance the new School-to-Work Program.

In the $25 billion Federal job-training hodgepodge, we should be able to find at least $300 million in annual savings.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1433), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts, [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I understand the Senator from Georgia is willing to withdraw his amendment?

AMENDMENT NO. 1432 WITHDRAWN

Mrs. KASSEBAUM. Mr. President, on behalf of Senator COVERDELL I would like to withdraw amendment No. 1432.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1432, previously offered by the Senator from Georgia, is withdrawn.

The amendment (No. 1432) was withdrawn.

AMENDMENT NO. 1424, AS MODIFIED

Mr. KENNEDY. Mr. President, I understand the Senator from Kansas wishes to modify an amendment which she successfully offered yesterday.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to modify amendment No. 1424. This is my own amendment. This is a technical correction which has been agreed to on both sides.

The PRESIDING OFFICER. Is there objection to the request on modification?

Without objection the modification is agreed to.

The amendment (No. 1424), as modified, is as follows:

Insert after section 504 the following new section:

SEC. 504A. COMBINATION OF FEDERAL FUNDS BY STATES.

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act, and

(B) other Federal funds made available from among programs under—

(i) Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) USE OF FUNDS.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver requests by the State agencies officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purpose of this Act; and

(6) such other information as the Secretaries may require.

In section 510, in the section heading, strike "**SEC. 510.**" and insert "**SEC. 511.**".

In section 509, in the section heading, strike "**SEC. 509.**" and insert "**SEC. 510.**".

In section 508, in the section heading, strike "**SEC. 508.**" and insert "**SEC. 509.**".

In section 507, in the section heading, strike "**SEC. 507.**" and insert "**SEC. 508.**".

In section 506, in the section heading, strike "**SEC. 506.**" and insert "**SEC. 507.**".

In section 505, in the section heading, strike "**SEC. 505.**" and insert "**SEC. 506.**".

In section 504A, in the section heading, strike "**SEC. 504A.**" and insert "**SEC. 505.**".

In section 303(a)(1), strike "507(b)" and insert "508(b)".

In section 401(a), strike "507(c)" and insert "508(c)".

In section 401(b), strike "507(c)" and insert "508(c)".

In section 402(a), strike "507(c)" and insert "508(c)".

In section 402(b), strike "507(c)" and insert "508(c)".

In section 402(d), strike "507(c)" and insert "508(c)".

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

Mr. PRESIDING OFFICER. The Chair will inquire of the Senator if he is requesting the yeas and nays on the underlying House bill?

Mr. KENNEDY. The Chair is correct, on the House bill, the school-to-work bill.

Mr. President, 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 bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

Mr. HATCH. Mr. President, earlier today I voted against S. 1361, the School-to-Work Opportunities Act. I did so reluctantly, Mr. President, as I have been a long-time supporter and promoter of job training. I also cast my vote understanding that this bill would almost certainly become law, notwithstanding my concerns.

Those concerns, Mr. President, were not with the laudable and legitimate needs that this legislation sought to address. My concerns deal with the fact that we already have 154 separate job training programs on the books that cost Federal taxpayers nearly $25 billion a year.

There is currently a maze of Federal and State job training efforts that is in desperate need of reform. Notably, in that section of this bill that outlines the requisite content of the plan that States must file, S. 1361 states that such State plans must, among many things, "describe the manner in which the school-to-work opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs under the Adult Education Act, the Carl Perkins Vocational and Applied Technology Education Act, the Elementary and Secondary Education Act, the Higher Education Act, part F of title IV of the Social Security Act, the Goals 2000, the National Skills Standards Act, the Individuals With Disabilities Act, the Job Training Partnership Act, the Act of 1937—commonly known as the National Apprenticeship Act—the Rehabilitation Act of 1973, and the National and Community Service Act of 1990."

To the States I say: Good luck.

As Senator KASSEBAUM has observed, this bill "creates a whole new program to loop together another set of programs and relies on an elaborate set of waiver provisions to try to make it all work." The price tag is $300 million per year.

Mr. President, I favor program coordination. I think the left hand ought to know what the right hand is doing. I might add that President Bush proposed legislation that would consolidate several Federal job training and vocational education efforts into one program with one set of rules and regulations, one application form, and one funding stream. I do not recall that this plan even got the benefit of a hearing.

Today, Mr. President, instead of exercising some leadership—instead of making Federal programs more efficient and more workable—we are taking the coward's way out and making the States come up with a plan for coordination. We are making the States do what we ought to be doing—streamlining Federal bureaucracies.

As I said, Mr. President, I sincerely appreciate the goal that is implicit in this bill. I cannot support the additional burden placed on States; I can-

not support creation of yet another Federal apparatus for job training; and I cannot support authorizing $300 million in new money for this purpose when there are 154 other job training programs already in existence that could no doubt serve more people with more money.

Mr. President, in these times of limited resources it is incumbent upon us to simply stop piling new and duplicative programs onto existing ones. In this case, we missed that opportunity.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 1361, the School-to-Work Opportunities Act. I am a cosponsor of this legislation and am pleased that the Senate is poised to pass it.

Mr. President, our modern economy is rapidly changing. Today's American worker must compete against workers all over the world as well as embrace modern technology in the workplace.

Despite these changes, our educational system is primarily focused on a traditional career path. We have several programs for students who go onto college. However, 75 percent of all high school graduates do not complete an undergraduate degree and 50 percent never take a post high-school class.

We need to equip these millions of non-college-bound students with basic academic and occupational skills necessary in an increasingly complex labor market. In the 1980's, the earnings gap between high school and college graduates doubled. At the same time, employers have expressed increasing frustration with the quality of job skills possessed by high school graduates.

These trends tell us that we need to develop a new system to educate and train those who do not go on to college. We must prepare them for the competitive workplace of the 21st century. This is what the School-to-Work Opportunities Act seeks to do—to provide educational and job training opportunity for those who are left out of our current system.

The school-to-work bill provides funding to States to plan and develop school-to-work systems. This is critical because the current apprenticeship, job training, and job counseling system is fractured in each State. Each State plan must describe how the State will integrate private business and the educational system into a school-to-work plan. Once the State plan is completed, a State may receive an implementation grant to provide funding to local partnerships and school-to-work programs to help educate, train, and place young people into high skilled occupations. This bill also allows States to seek waivers from other Federal education and labor programs if they will help them better establish a coordinated school-to-work system.

Mr. President, the young people of our country are our future. In the past, we have focused on the college bound students while leaving high school graduates with no career education and training. This bill will address this serious failure so that all of our young people can enter the job market with skills that permit them to make a productive contribution to our economy. It will also please the business community that will benefit from a better skilled work force. It is no surprise that this legislation is supported by the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce as well as organized labor.

I urge my colleagues to support this legislation.

Mr. COATS. Mr. President, school-to-work transition is a concept that I strongly endorse. Many of our youth, as we have previously heard, will not go to college, and many who do go to college will not earn a degree. We need to provide meaningful opportunities for these students—and we need to provide them as early as possible.

Not only do I support school-to-work as a theory, but I support many of the principles embodies in the legislation before us. Collaboration, public/private partnerships, mentorship—these are all important concepts, and crucial for an effective program.

Unfortunately, the positive aspects of S. 1361 do not outweigh, in my mind, the problems with this proposal.

First, I am concerned that this is yet another categorical program. According to the Government Accounting Office, we are presently funding over 150 job training programs at an estimated cost of $20 billion. The school-to-work bill adds another job training proposal to this already costly mix. And perhaps more important is the fact that it duplicates efforts already authorized to be provided to this same group—kids not bound for college.

As a matter of fact, the State of Indiana, as well as 23 other States, has already received grants for the development of school-to-work programs. Some might ask how this was possible since S. 1361 has not yet been enacted. Using existing authority under JTPA and the Carl Perkins Act, the Departments of Labor and Education have provided funds to States for the Development of school-to-work initiatives. So we see that school-to-work initiatives are not only possible, but are already being supported by Federal funds, so why is this bill needed?

Second, I am concerned by the requirement that students who participate in this program be paid for their training. Aside from questioning the appropriateness of paying people for training, I am concerned that this requirement will significantly limit the opportunities for valuable work experiences. This is particularly true for small businesses, which are the life blood of our economy.

Finally, I feel strongly that States should be afforded maximum flexibility in designing both the program and the work opportunities that would be available. As currently drafted, S. 1361 is prescriptive and would significantly tie the hands of the States, employers, and schools participating in this initiative. I think we have seen time and time again that Washington's one-size-fits-all solutions don't work. Let's let people with hands on experience design programs that will really help those in need.

Mr. President, the concept of school-to-work transition is an important one, and that deserves our close attention. However, it is a job training proposal, and as such I think it would have been more appropriate to have considered in conjunction with the other job training programs.

We have made a great deal of progress on this legislation over the course of the past few days, and have included some very important amendments. I strongly support these changes and the concept of school-to-work, however, at this time I am unable to support this legislation. We still have a ways to go, and I would have preferred that this be considered in a broader context, but will re-examine the legislation when it emerges from conference.

Mrs. MURRAY. Mr. President, I am pleased to speak today in favor of Senate bill 1361, the School-to-Work Opportunities Act.

With this bill, we continue to build upon a theme introduced by President Clinton in last year's budget process—investing in our future. By immunizing our children and fully funding important programs such as Head Start, WIC, Goals 2000, and school-to-work, we are investing in our children, and in the America of tomorrow.

As we focus on planning, and preparing our children for the future, we are challenged to make adjustments. We cannot afford to operate on old assumptions—assumptions that are no longer relevant today.

We must recognize that approximately half of our Nation's young people do not go on to college; 75 percent do not earn a bachelor's degree. Many of these young people do not possess the basic academic and occupational skills necessary for the changing workplace, or for further education. Many cannot find stable, career-track jobs for a good 5 to 10 years after graduating from high school.

Whether the family-wage jobs of the future will require a college degree, they no doubt will require professional or technical training. We must prepare our children throughout the Nation for both. The school-to-work bill will help young people link what they are learning in school to the workplace. It will also prepare them for 4-year college.

Our schools have a stake in preparing students for tomorrow's work force. They must help educate and train our

children today for the jobs of tomorrow.

My home State of Washington has made major strides toward developing high school coursework that is relevant for students, and clearly applicable to the real world. Four model high schools in Bethel, Central Valley, Camas, and Grand Coulee are beginning their third year of comprehensive restructuring efforts.

In addition, last year the Washington Legislature enacted the School-to-Work Transitions Program. This program provides funding for model high school transition projects in 33 school districts in the State. The emphasis is on providing high school students with a choice of educational pathways. These pathways are based on the student's career interest area—and they integrate academic, vocational, and technical education into a single curriculum.

In the Washington program, priority is given to high schools that work with middle and junior high schools to improve students' career awareness. In addition, the program requires that partnerships be formed with employers and employees to give students work-based learning experiences as well.

Mr. President, I support the emphasis on collaboration in the Washington program, and in the bill before us. Encouraging government, educational institutions, employers, labor, students, parents, and community-based organizations to work together is crucial.

In addition, we must work diligently to identify the growth sectors of our economy, and the education and skills that will be needed by the work force in these sectors. As part of this effort, I am holding a futures forum in my home State of Washington during the spring work period.

I am bringing together experts from a variety of disciplines and communities in the State—experts in business, labor representatives, educators, academics, and government leaders—to discuss what Washington's economy and work force will look like in the next 10 to 20 years. We will focus on the prospects for growth in a variety of sectors of the economy. And, we will discuss the education and skills that will be needed by the work force in State.

We will also discuss how to give our children the education and skills they will need to participate in the work force of the future. This will be the first in a series of forums, and I look forward to hearing from those who work on this challenge on a daily basis.

Finally, I want to mention the use of Federal funds as seed money to stimulate State and local creativity in establishing statewide school-to-work programs. This approach is far superior to creating yet another large Federal employment and training program. This way we are encouraging States to expand upon existing programs such as tech prep education, cooperative education, youth apprenticeship, school-sponsored enterprises, and existing school-to-work programs—like the one we have in Washington State.

Mr. President, this is a very important bill for our Nation's children today, and for our economy tomorrow. I urge my colleagues to support this bill.

Mr. HATFIELD. Mr. President, America's economic future is at risk. For years, I have been deeply concerned that the United States is addressing the requirements of its work force in the wrong way and this is posing a tremendous threat to our ability to compete in the emerging global economy.

Under our current "Tayloristic" system, we have become so overdependent on a small cadre of decisionmakers and managers that our ability to increase our quality and variety of products, processes, and services is diminishing. Therefore, our capacity to adapt to new consumer needs in this global economy and sustain a high standard of living has suffered. If we continue to ignore our frontline workers' abilities, I believe that our folly ultimately will relegate us to second class status in the global marketplace.

According to the Commission on the Skills of the American Workforce: "The world is prepared to pay high prices and high wages for quality, variety, and responsiveness to changing consumer tastes." If the United States is to continue as the world's economic leader, we must develop the best educated and best trained work force in the world in order to command those high prices and afford those high wages.

American employers are realizing that they must insist on having workers who are able to adapt to changing conditions not only by learning new skills but also by changing their roles in the workplace. They must be capable of solving problems, and they must be encouraged to do so by working in teams and by helping forward-thinking management meet its responsibilities. Although the legislation before us today does not address the needs of our current work force, it will, however, help our competitiveness in the future by assisting States to prepare our youth for the critical transition from school to work.

Currently, American high schools direct most of their attention toward preparing students for college. However, of those who enter college, only about 15 percent go on to graduate and then obtain a 4-year college degree within 6 years of high school graduation. Yet we continue to allow our educational system to essentially ignore the needs of the remaining 85 percent. We abandon them to muddle between different educational and employment opportunities. Furthermore, about 30 percent of youth aged 16 to 24 lack the necessary skills for entry-level employment. This problem becomes shockingly vivid when one sees that 50 percent of adults in their late twenties have not found a steady job.

Mr. President, it is time for us to change the way we think and virtually revolutionize the way we address the current educational system for those who will never enter our colleges and universities. We must help students understand why they are learning the particular subject matter so that they think more about applied academics and connect education to the world of work. We must help them make a successful transition from school to work.

In 1991, Oregon made a striking break with traditional American education with the passage of Oregon Education Act for the 21st century. Among other things, it established certificates of initial mastery and advanced mastery as new high-performance standards for all students and has created new partnerships among business, labor, and the educational community to develop academic and professional technical standards.

Once basic mastery is demonstrated, and no one advances until fundamental skills are absorbed—students will select a broad career area to provide the context for further study. This prepares them for postsecondary education or further skills training for family-wage jobs. Work-based learning opportunities will be provided to interested students so that necessary skills and competencies can be learned in the work environment as well as in the classroom. This is vital, it drives home to students the interrelationship between education and work.

Our school reform strategy recognizes the interdependence between places of learning and places of work. In fact, several high schools like Sprague, Roosevelt, and David-Douglas have made this connection. Education and work force reform movements also recognize that to improve the performance of students and the productivity of workers requires new partnerships among business, labor, education, and government. Understandably, Oregon has received national recognition for focusing on the critical school-to-work transition.

The legislation before us today will provide seed money to help States develop comprehensive plans that includes work-based and school-based learning programs. Most systems will involve a year of postsecondary education and will lead to a high school diploma, a certificate or diploma from a postsecondary institution, and an occupational skill certificate certifying mastery of specific occupational skills. Second, it will provide the States with 5-year implementation grants to help operate these systems.

Mr. President, many of the problems facing our noncollege bound students need to be addressed at the State and local levels. Nevertheless, this is also a national problem because our economic competitiveness depends on our willingness to help them meet our future work-force demands.

If we are to affect lasting change for future generations—if that change is to keep pace with the changing global marketplace—then we must engage schools, businesses, and government at all levels to prepare tomorrow's workers for our future. Passage of this legislation today will encourage our States to creatively meet the needs of our noncollege bound student population. The needs of these students have been ignored for far too long and it is my pleasure to be an original cosponsor of this bill.

Mr. GRASSLEY. Mr. President, I rise today to address the issue of school to work. I share many of the sentiments that have already been expressed by my colleagues. Today, students who do not pursue a college degree, face great challenges in finding a job which is personally and financially rewarding. The issue before us is how do we better assist these young people find gainful employment and make the transition from school-to-work?

Only 25 percent of all high school graduates go on to college. The remaining students enter the work force with only a high school diploma and limited skills. At one time, low-skill, high-wage manufacturing jobs were abundant. This is no longer the case. Today, individuals without a college degree earn significantly less than individuals with a college degree and that gap is widening each year.

I agree with my colleagues that we need to build a better partnership between our schools and businesses to determine what skills are needed in the increasingly competitive economy. We then must target students at need and equip them with the necessary skills. My question is do we need another Federal jobs program to achieve this goal? I don't believe so and that is why I am not able to support S. 1361, the School-to-Work Opportunities Act.

There are 154 existing Federal jobs-related programs which cost the Treasury over $20 billion annually. Enacting this legislation would create yet another program with a price tag of $300 million this year and such sums as necessary for the period of its authorization. Although the program is due to expire after its authorization, I have not known this Congress to allow programs to expire. It's much easier to extend a program than to let it die.

I believe the better way to address the issue of school-to-work is to focus on existing programs and restructure them to better serve our young people. For example, there are a number of existing programs that target the very students we are talking about today. The Carl Perkins Tech-Prep Program, career academies and youth apprenticeship programs all assist students in the transition from school to work. It seems to make better sense to determine how to improve these programs and, if necessary, integrate them. Unfortunately, there are provisions in the school-to-work bill which would prevent the integration of the Carl Perkins Tech Prep Program into the School-to-Work Program.

For example, the School-to-Work Program requires a paid work experience in certain circumstances. The Carl Perkins Tech-Prep Program does not have a similar requirement, so this program would operate parallel to the new school-to-work program. They couldn't be coordinated, nor integrated, yet they would essentially serve the same students.

I would like to take this opportunity to discuss the paid work experience which I have alluded to. The original language contained in the bill required students to have a work experience which must be paid. Many small businesses struggle financially. While many may want to participate in the program, they may find the salary requirement prohibitive. This provision ignores the value of unpaid work experiences. I am pleased that my colleagues recognized the burden of this provision when it adopted an amendment removing the paid work requirement except in some cases. A student can still have a valuable learning experience if the job is unpaid. Shadowing experiences, mentoring are all crucial learning experiences.

I believe we are placing too much emphasis on spending more and not enough on improving existing education and jobs programs. We must better manage these programs. If our young people are not prepared to enter the work force, shouldn't we try to understand why? Should school curriculum be altered? School systems across the country already recognize that they should be building partnerships with local employers to prepare students for employment. We do not need new Federal legislation to achieve these goals. Again, we are faced with a situation where local action is outpacing Federal legislative initiatives.

I strongly support the intentions of this legislation, but I am not prepared to vote to create yet another Federal program. I would rather reevaluate existing programs and determine how they can better serve our young people prepare for the future.

Mr. ROCKEFELLER. Mr. President, America's future lies with its children. Recognizing the importance of providing educational and occupational training for today's youth, I am proud to cosponsor the School-to-Work Opportunities Act. Because of a personal commitment, I had to be in West Virginia earlier today and unfortunately missed the vote on final passage of this legislation. But it was clear this measure had strong bipartisan support and would pass. My statement is to reinforce my support for this initiative.

This legislation represents part of an overall strategy to reform our American educational system, and it specifically seeks to enhance the transition to work for young people. The provisions of this bill reaffirm this Nation's commitment to the education and employment of today's youth. The bill's goal is to unite partnerships of employers and educators to create a high quality school-to-work program that assists students in the transition from school to a well-paying first job.

The legislation maps out a new strategy to achieve this goal. First, it establishes components and goals for successful school-to-work programs. Next, it seeks to integrate work-based and school-based learning to provide students with additional skills. It will create a national framework that provides States the flexibility to develop programs to effectuate the transition from school to employment.

Every parent, student, teacher, and employer should embrace the goals of the School-to-Work Act and strive together to achieve them.

We need to recognize that approximately one-half of American youth do not go to college and about 75 percent of those who initially enroll do not graduate. Even more important, a 1990 report by the Commission on the Skills of the American Work Force noted that 70 percent of the jobs in America in the year 2000 will not require a college education, but most will require training beyond high school.

America needs the School-to-Work Act to ensure that students who don't go to college still are prepared to enter the work force. Entering work directly after high school needs to be a viable alternative for students who cannot or do not want to attend college. Our competitiveness will depend on how well we prepare our youth for the modern workplace.

Every student should have the opportunity to earn a living at a high-skill, high-wage job upon graduation from high school. Under the School-to-Work Act, we will ensure that students are given the educational and occupational training that they need to obtain a high-paying first job and begin a career. The legislation establishes a national framework within which States can develop effective systems for improving students' transition from school to work.

Under the legislation, States will have the flexibility to design their own programs suited to their States' needs, economy and labor market. Although the program requires core components and goals it does not mandate the means to achieve these goals. Various

sources of support, including Federal grants to States, waivers, direct grants to local partnerships, and high poverty area grants, will enable States to create their own school-to-work programs.

States will receive a 1-year planning grant and one 5-year implementation grant. The act also provides for waivers of certain regulatory and statutory programs to all other Federal funds to be coordinated with comprehensive school-to-work programs.

The heart of the program is making employers full partners in providing high-quality, work-based learning experiences to students. The program will improve the knowledge and skill of young people by combining academic and occupational learning. Every school-to-work plan must include work-based learning that provides job training or work experiences. In addition, each program must provide school-based learning including career counseling and instruction in a career major, and a program of study that is based on high academic and skill standards as proposed in Goals 2000 Educate America Act.

This combination of occupational and academic education will provide students with additional knowledge and skills that will better prepare them to enter the job market and obtain high-wage, high-paying jobs.

My support of the School-to-Work Act is a continuation of my work as chairman of the National Commission on Children. As chairman, I traveled across the country meeting with young people, parents, and teachers. Everywhere I went, people recognized that education is the key to the future. Education will provide students with the key to unlock the door to high-wage, high-skill jobs upon graduation from high school.

Educators and employers need to unite in the effort to educate youth and provide them opportunities to contribute to society. The School-to-Work Act provides the means for a partnership between schools and employers, a partnership that was strongly endorsed by the unanimous, bipartisan report of the National Commission on Children. It is gratifying to note that this important legislation reflects the principles of reform outlined by the Commission.

Mr. DODD. Mr. President, I rise today in strong support of S. 1361, the School-to-Work Opportunities Act.

In the last few days, we have charted a new course in Federal education legislation. For over a decade, States and communities have been at work developing innovative programs to address the challenges facing today's schools. With the Goals 2000 legislation and the School-to-Work Opportunities Act, the Federal Government finally steps forward as a full partner in these efforts. And unlike in the past, we are bringing more than our ideas and mandates to the table. These new initiatives come not with strings, but with money and flexibility.

The School-to-Work Opportunities Act is aimed at the 75 percent of students who never complete college. These students are often overlooked by the current system. To a great extent, the focus of our high schools has been on the college-bound student. Computer programming, accounting, automotive engineering, and other vocationally-oriented courses have been offered as electives, if at all. Students who complete high school, but not college, find themselves with a diploma, but few job skills.

Thirty years ago, a high school diploma was enough to put a young man or woman into a job that could support a family and a home. Today, that is just not the case. The average monthly earnings of a full-time worker with only a high school diploma is just $1,200. There are few places in America where this income could support a family. And the situation is only getting worse for these low-skill workers as the workplace grows ever more technologically advanced. We must do what we can to make sure these young people are not left to fall further behind.

The school-to-work initiative seeks to ensure students a smooth transition from school into meaningful, high-quality jobs. Under this legislation, partnerships will be developed at the State and local level to bring together employers, educators, labor leaders, community-based organizations, and others. These partnerships will work to coordinate existing programs to prepare students to compete and succeed in the high-technology, high-skill work force of the next century.

Many States are already experimenting in this area. Pennsylvania has had tremendous success with its youth apprenticeship program. Connecticut has a similar program that brings together inner-city youth and representatives of the building and construction trades. The tech-prep program has also provided thousands of young people in Connecticut and in many other States with new opportunities. The school-to-work initiative will provide these States with seed money to expand and enhance these and other programs to meet the critical needs of non-college bound students.

I urge my colleagues to join me in support of this important bill.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2884.

The assistant legislative clerk read as follows:

A bill (H.R. 2884) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All after the enacting clause is stricken. The text of S. 1361, as amended, is substituted in lieu thereof, and H.R. 2884, as amended, is considered read a third time.

The question is, Shall the bill, H.R. 2884, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—62

Akaka	Exon	Metzenbaum
Baucus	Feingold	Mikulski
Biden	Feinstein	Mitchell
Bingaman	Ford	Moynihan
Bond	Glenn	Murray
Boren	Graham	Nunn
Boxer	Harkin	Packwood
Bradley	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Campbell	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Specter
DeConcini	Leahy	Thurmond
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Durenberger	Mathews	

NAYS—31

Bennett	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Hatch	Pressler
Byrd	Helms	Roth
Coats	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Lott	Stevens
Dole	Lugar	Wallop
Domenici	Mack	Warner
Faircloth	McCain	
Gorton	McConnell	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the bill (H.R. 2884), as amended, was passed, as follows:

H.R. 2884

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "School-to-Work Opportunities Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

Sec. 3. Purposes and congressional intent.
Sec. 4. Definitions.
Sec. 5. Federal administration.
TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS
Sec. 101. General program requirements.
Sec. 102. Work-based learning component.
Sec. 103. School-based learning component.
Sec. 104. Connecting activities component.
TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES
Subtitle A—State Development Grants
Sec. 201. Purpose.
Sec. 202. State development grants.
Subtitle B—State Implementation Grants
Sec. 211. Purpose.
Sec. 212. State implementation grants.
Sec. 213. Limitation on administrative costs.
TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS
Sec. 301. Purposes.
Sec. 302. Federal implementation grants to partnerships.
Sec. 303. School-to-work opportunities program grants in high poverty areas and in congressional districts with low population densities.
TITLE IV—NATIONAL PROGRAMS
Sec. 401. Research, demonstration, and other projects.
Sec. 402. Performance outcomes and evaluation.
Sec. 403. Training and technical assistance.
TITLE V—GENERAL PROVISIONS
Sec. 501. State request and responsibilities for a waiver of statutory and regulatory requirements.
Sec. 502. Waivers of statutory and regulatory requirements by the Secretary of Education.
Sec. 503. Waivers of statutory and regulatory requirements by the Secretary of Labor.
Sec. 504. Combination of Federal funds for high poverty schools.
Sec. 505. Combination of Federal funds by States.
Sec. 506. Requirements.
Sec. 507. Sanctions.
Sec. 508. Authorization of appropriations.
Sec. 509. Acceptance of gifts, and other matters.
Sec. 510. State authority.
Sec. 511. Construction.
Sec. 512. Additional Federal requirements.
Sec. 513. Sense of the Senate.
TITLE VI—OTHER PROGRAMS
Sec. 601. Tech-prep education.
TITLE VII—TECHNICAL PROVISIONS
Sec. 701. Effective date.
Sec. 702. Sunset.
TITLE VIII—ALASKA NATIVE ART AND CULTURE
Sec. 801. Short title.
Sec. 802. Alaska Native art and culture.

SEC. 2. FINDINGS.

Congress finds that—

(1) three-fourths of America's high school students enter the work force without baccalaureate degrees, and many do not possess the academic and entry-level occupational skills necessary to succeed in the changing American workplace;

(2) a substantial number of American youth, especially disadvantaged students, students of diverse racial, ethnic, and cultural backgrounds, and students with disabilities, do not complete school;

(3) unemployment among American youth is intolerably high, and earnings of high school graduates have been falling relative to earnings of persons with more education;

(4) the American workplace is changing in response to heightened international competition and new technologies, and such forces, which are ultimately beneficial to the Nation, are shrinking the demand for and undermining the earning power of unskilled labor;

(5) the United States lacks a comprehensive and coherent system to help its youth acquire the knowledge, skills, abilities, and information about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;

(6) American students can achieve to high standards, and many learn better and retain more when the students learn in context, rather than in the abstract;

(7) while many American students have part-time jobs, there is infrequent linkage between—

(A) such jobs; and

(B) the career planning or exploration, or the school-based learning, of such students;

(8) the work-based learning approach, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youth for high-skill, high-wage careers; and

(9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youth, that are not administered as a coherent whole.

SEC. 3. PURPOSES AND CONGRESSIONAL INTENT.

(a) PURPOSES.—The purposes of this Act are to—

(1) establish a national framework within which all States can create statewide School-to-Work Opportunities systems that—

(A) are a part of comprehensive education reform;

(B) are integrated with the State education systems reformed under the Goals 2000: Educate America Act; and

(C) offer opportunities for all students to participate in a performance-based education and training program that will—

(i) enable the students to earn portable credentials;

(ii) prepare the students for first jobs in high-skill, high-wage careers; and

(iii) increase their opportunities for further education, including education in a 4-year college or university;

(2) create a universal, high-quality school-to-work transition system that enables all young Americans to identify and navigate paths to productive and progressively more rewarding roles in the workplace;

(3) utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(4) use Federal funds under this Act as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(5) promote the formation of partnerships that are dedicated to linking the worlds of school and work, among secondary schools and post-secondary education institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;

(6) help all students attain high academic and occupational standards;

(7) build on and advance a range of promising school-to-work transition programs, such as tech-prep education programs, career academies, school-to-apprenticeship programs, cooperative education programs, youth apprenticeship programs, school-sponsored enterprises, and business-education compacts, that can be developed into programs funded under this Act;

(8) improve the knowledge and skills of youth by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(9) encourage the development and implementation of programs that will provide paid high-quality, work-based learning experiences;

(10) motivate all youth, including low-achieving youth, youth who have dropped out of school, and youth with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in post-secondary education institutions;

(11) expose students to a vast array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities; and

(12) further the National Education Goals set forth in title I of the Goals 2000: Educate America Act.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this Act, in consultation with the Secretary of Commerce, in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing School-to-Work Opportunities systems and programs; and

(2) contributes to reinventing government by—

(A) building on State and local capacity;

(B) eliminating duplication in education and training programs for youth by integrating such programs into one comprehensive system;

(C) maximizing the effective use of resources;

(D) supporting locally established initiatives;

(E) requiring measurable goals for performance; and

(F) offering flexibility in meeting such goals.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "all aspects of the industry" means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "approved plan" means a School-to-Work Opportunities system plan that is submitted by a State under section 212(a), is determined by the Secretaries to include the program components described in sections 102 through 104 and otherwise meet the requirements of this Act, and is consistent with the improvement plan of the State, if any, under the Goals 2000: Educate America Act;

(4) the term "career major" means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates academic and occupational learning, integrates school-based and work-

based learning, establishes linkages between secondary and postsecondary education, and prepares students for admission to 2-year or 4-year postsecondary education institutions;

(B) prepares the student for employment in broad occupational clusters or industry sectors;

(C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;

(D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(E) results in the award of—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and

(iii) a skill certificate; and

(F) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a 4-year college or university;

(5) the term "employer" includes both public and private employers;

(6) the term "Governor" means the chief executive of a State;

(7) the term "local educational agency" has the meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12));

(8) the term "partnership" means a local entity that—

(A) is responsible for carrying out local School-to-Work Opportunities programs;

(B) consists of employers or employer organizations, public secondary schools and postsecondary educational institutions (or representatives, such as teachers, counselors, and administrators), and labor organizations or nonmanagerial employee representatives; and

(C) may include other entities, such as community-based organizations, national trade associations working at local levels, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational education entities, proprietary institutions of higher education as defined in section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) (so long as such institutions meet the requirements specified in section 498 of such Act), local government agencies, parent organizations and teacher organizations, vocational student organizations, private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), and Indian tribes, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801);

(9) the term "postsecondary education institution" means a public or private institution that is authorized within a State to provide a program of education beyond secondary education, and includes a community college, a technical college, a postsecondary vocational institution, a tribally controlled community college, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978, and a 4-year college or university;

(10) the term "registered apprenticeship agency" means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes;

(11) the term "registered apprenticeship program" means a program registered by a registered apprenticeship agency;

(12) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17));

(13) the term "school site mentor" means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student;

(14) the term "School-to-Work Opportunities program" means a program that meets the requirements of this Act, other than a program described in section 401(a);

(15) the term "secondary school" has the meaning given the term in section 1201(d) of the Higher Education Act of 1965 (20 U.S.C. 1141(d));

(16) the term "Secretaries" means the Secretary of Education and the Secretary of Labor;

(17) the term "skill certificate" means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1993, except that until such skill standards are developed, the term "skill certificate" means a credential issued under a process described in the approved plan of a State;

(18) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(19) the term "State educational agency" has the meaning given the term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)); and

(20) the term "workplace mentor" means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

SEC. 5. FEDERAL ADMINISTRATION.

(a) JOINT ADMINISTRATION.—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled "An Act To Create a Department of Labor", approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576), the Secretaries shall jointly provide for the administration of the programs established by this Act. The Secretaries shall jointly issue such uniform procedures, guidelines, and regulations, in accordance with section 553 of title 5, United States Code, as the Secretaries determine to be necessary and appropriate to administer and enforce the provisions of this Act.

(b) REGULATIONS.—Section 431 of the General Education Provisions Act (20 U.S.C. 1232) shall not apply to regulations issued with respect to any programs under this Act.

(c) PLAN.—Within 120 days after the date of enactment of this Act, the Secretaries shall prepare a plan for the joint administration of this Act and submit such plan to the appropriate Committees of Congress for review and comment.

TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

SEC. 101. GENERAL PROGRAM REQUIREMENTS.

A School-to-Work Opportunities program under this Act shall—

(1) integrate school-based learning and work-based learning, as provided for in sections 102 and 103, integrate academic and occupational learning, and establish effective linkages between secondary and postsecondary education;

(2) provide participating students with the opportunity to complete career majors;

(3) incorporate the program components provided in sections 102 through 104;

(4) provide participating students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are preparing to enter; and

(5) provide all students with equal access to the full range of such program components (including both school- and work-based learning components) and related activities and to recruitment, enrollment, and placement activities.

SEC. 102. WORK-BASED LEARNING COMPONENT.

(a) MANDATORY ACTIVITIES.—The work-based learning component of a School-to-Work Opportunities program shall include—

(1) work experience;

(2) a planned program of job training and work experiences (including training related to preemployment and employment skills to be mastered at progressively higher levels) that are coordinated with learning in the school-based learning component described in section 103 and are relevant to the career majors of students and lead to the award of skill certificates;

(3) workplace mentoring; and

(4) instruction in general workplace competencies, including instruction and activities developing positive work attitudes, and employability and participative skills.

(b) PERMISSIBLE ACTIVITIES.—Such component may include such activities as job shadowing, school-sponsored enterprises, or on-the-job training for academic credit.

SEC. 103. SCHOOL-BASED LEARNING COMPONENT.

The school-based learning component of a School-to-Work Opportunities program shall include—

(1) career exploration and counseling, beginning prior to the 11th grade year of the students, in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors;

(2) initial selection by interested students of career majors not later than the beginning of the 11th grade;

(3) a program of study designed to meet academic standards established by the State for all students, including, where applicable, any content standards developed under the Goals 2000: Educate America Act, and to meet the requirements necessary to prepare students for postsecondary education and to earn skill certificates; and

(4) regularly scheduled evaluations involving ongoing consultation and problem solving with students to identify academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills.

SEC. 104. CONNECTING ACTIVITIES COMPONENT.

The connecting activities component of a School-to-Work Opportunities program shall include—

(1) matching students with the work-based learning opportunities of employers;

(2) serving, with respect to each student, as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners;

(3) providing technical assistance and services to employers, including small- and medium-sized businesses, and other parties in—

(A) designing work-based learning components described in section 102 and counseling and case management services; and

(B) training teachers, workplace mentors, school site mentors, and counselors;

(4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning in the program;

(5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 102, 103, or this section;

(6)(A) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program; and

(B) linking the participants with other community services that may be necessary to assure a successful transition from school to work;

(7) collecting and analyzing information regarding post-program outcomes of participants in the School-to-Work Opportunities program, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students; and

(8) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

SEC. 201. PURPOSE.

The purpose of this subtitle is to assist States in planning and developing comprehensive, statewide systems for school-to-work opportunities.

SEC. 202. STATE DEVELOPMENT GRANTS.

(a) IN GENERAL.—

(1) AWARD.—On the application of the Governor on behalf of a State, the Secretaries may award a development grant to the State in such amount as the Secretaries determine to be necessary to enable the State to complete development of a comprehensive, statewide School-to-Work Opportunities system.

(2) AMOUNT.—The amount of a development grant under this subtitle may not exceed $1,000,000 for any fiscal year.

(3) COMPLETION.—The Secretaries may award such grant to complete development initiated with funds awarded under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(b) APPLICATION CONTENTS.—To be eligible to receive a grant under subsection (a), a State shall submit an application to the Secretaries that shall—

(1) include a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, for all students;

(2) describe the manner in which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for job training and employment;

(D) the State agency officials responsible for economic development;

(E) the State agency officials responsible for postsecondary education;

(F) representatives of the private sector; and

(G) other appropriate officials,

will collaborate in the planning and development of the statewide School-to-Work Opportunities system;

(3) describe the manner in which the State has obtained and will continue to obtain the active and continued participation, in the planning and development of the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;

(4) describe the manner in which the State will coordinate planning activities with any local school-to-work programs, including programs that have received a grant under title III, if any;

(5) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle;

(6) include such other information as the Secretaries may require; and

(7) be submitted at such time and in such manner as the Secretaries may require.

(c) STATE DEVELOPMENT ACTIVITIES.—Funds awarded under this section shall be expended by a State only for activities undertaken to develop a statewide School-to-Work Opportunities system, which may include—

(1) identifying or establishing an appropriate State structure to administer the School-to-Work Opportunities system;

(2) identifying secondary and postsecondary school-to-work programs that might be incorporated into the State system;

(3) identifying or establishing broad-based partnerships among employers, labor, education, government, and other community and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;

(4) developing a marketing plan to build consensus and support for School-to-Work Opportunities programs;

(5) promoting the active involvement of business, including small- and medium-sized businesses, in planning, developing, and implementing local School-to-Work Opportunities programs;

(6) identifying ways that local school-to-work programs could be coordinated with the statewide School-to-Work Opportunities system;

(7) supporting local planning and development activities to provide guidance, training, and technical assistance in the development of School-to-Work Opportunities programs;

(8) identifying or establishing mechanisms for providing training and technical assistance to enhance the development of a statewide School-to-Work Opportunities system;

(9) initiating pilot programs for testing key components of the program design of programs under the system;

(10) developing a State process for issuing skill certificates that is, to the extent feasible, consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(11) designing challenging curricula, in cooperation with representatives of local partnerships, that take into account the diverse learning needs and abilities of the student population served by the system;

(12) developing a system for labor market analysis and strategic planning for local targeting, of industry sectors or broad occupational clusters, that can provide students with placements in high-skill workplaces;

(13) analyzing the post-high school employment experiences of recent high school graduates and students who have dropped out of school;

(14) preparing the plan described in section 212(b); and

(15) developing a training and technical support system for teachers, employers, mentors, counselors, related services personnel, and other parties.

(d) GRANTS TO CONSORTIA.—

(1) IN GENERAL.—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to complete development of comprehensive, consortiawide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) AMOUNT.—Notwithstanding any other provision of this section, the amount of a development grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) APPLICATION.—For purposes of the application of this subtitle to a consortium:

(A) GOVERNOR.—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) STATE.—References to a State shall be deemed to be references to the consortium.

(C) OFFICIAL.—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) ABILITY OF STATE TO CARRY OUT PROGRAM.—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(5) DEFINITION.—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortia of congressional districts, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

Subtitle B—State Implementation Grants

SEC. 211. PURPOSE.

The purpose of this subtitle is to assist States in the implementation of comprehensive, statewide School-to-Work Opportunities systems.

SEC. 212. STATE IMPLEMENTATION GRANTS.

(a) IN GENERAL.—

(1) ELIGIBILITY.—On the application of the Governor on behalf of a State, the Secretaries may award, on a competitive basis, a 5-year implementation grant to the State.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a State shall submit an application to the Secretaries that shall—

(A) contain—

(i) a plan for a comprehensive, statewide School-to-Work Opportunities system that meets the requirements of subsection (b);

(ii) a description of the manner in which the State will allocate funds made available through such a grant to local School-to-Work Opportunities partnerships under subsection (g);

(iii) a request, if the State decides to submit such a request, for one or more waivers of certain statutory or regulatory requirements, as provided for under title V;

(iv) a description of the manner in which—

(I) the Governor;

(II) the State educational agency;

(III) the State agency officials responsible for job training and employment;

(IV) the State agency officials responsible for economic development;

(V) the State agency officials responsible for postsecondary education;

(VI) other appropriate officials; and

(VII) the private sector,

collaborated in the development of the application; and

(v) such other information as the Secretaries may require; and

(B) be submitted at such time and in such manner as the Secretaries may require.

(b) CONTENTS OF STATE PLAN.—A State plan referred to in subsection (a)(2)(A)(i) shall—

(1) designate the geographical areas, including urban and rural areas, to be served by partnerships that receive grants under subsection (g), which shall, to the extent feasible, reflect local labor market areas;

(2) describe the manner in which the State will stimulate and support local School-to-Work Opportunities programs that meet the requirements of this Act, and the manner in which the statewide School-to-Work Opportunities system will be expanded over time to cover all geographic areas in the State;

(3) describe the procedure by which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for job training and employment;

(D) the State agency officials responsible for economic development;

(E) the State agency officials responsible for postsecondary education;

(F) representatives of the private sector; and

(G) other appropriate officials,

will collaborate in the implementation of the statewide School-to-Work Opportunities system;

(4) describe the manner in which the State has obtained and will continue to obtain the active and continued involvement, in the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies;

(5) describe the manner in which the School-to-Work Opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs as programs under the Adult Education Act (20 U.S.C. 1201 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301, et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Goals 2000: Educate America Act, the National Skills Standards Act of 1993, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(6) describe the strategy of the State for providing training for teachers, employers, mentors, counselors, related services personnel, and other parties;

(7) describe the strategy of the State for incorporating project-oriented, experiential learning programs which integrate theory and academic knowledge with hands-on skills and applications into the school curriculum for all students in the State;

(8) describe the resources, including private sector resources, that the State intends to employ in maintaining the School-to-Work Opportunities system when funds under this Act are no longer available;

(9) describe the extent to which the School-to-Work Opportunities system will include programs that will provide paid high-quality, work-based learning experiences;

(10) describe the manner in which the State will ensure effective and meaningful opportunities for all students in the State to participate in School-to-Work Opportunities programs;

(11) describe the goals of the State and the methods the State will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment;

(12) describe the manner in which the State will ensure opportunities for low-achieving students, students with disabilities, and former students who have dropped out of school, to participate in School-to-Work Opportunities programs;

(13) describe the process of the State for assessing the skills and knowledge required in career majors, and the process for awarding skill certificates that is consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(14) describe the manner in which the State will ensure that students participating in the programs are provided, to the greatest extent possible, with flexibility to develop new career goals over time and to change career majors without adverse consequences;

(15) describe the manner in which the State will, to the extent feasible, continue programs funded under section 302 in the statewide School-to-Work Opportunities system;

(16) describe the manner in which local school-to-work programs, including programs funded under section 302, if any, will be integrated into the statewide School-to-Work Opportunities system;

(17) describe the performance standards that the State intends to meet; and

(18) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle.

(c) REVIEW OF APPLICATIONS.—In reviewing each application submitted under subsection (a), the Secretaries shall submit the application to a peer review process, determine whether to approve the plan described in subsection (b), and, if such determination is affirmative, further determine whether to take one or more of the following actions:

(1) Award an implementation grant described in subsection (a) to the State submitting the application.

(2) Approve the request of the State, if any, for a waiver in accordance with the procedures set forth in title V.

(3) Inform the State of the opportunity to apply for further development funds under subtitle A, by submitting to the Secretaries an application that includes a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, except that further development funds may not be awarded to a State that receives an implementation grant under subsection (e).

(d) REVIEW CONSIDERATIONS.—In evaluating an application submitted under subsection (a), the Secretaries shall—

(1) take into consideration the quality of the application, including the replicability, sustainability, and innovation of programs described in the application;

(2) give priority to applications, based on the extent to which the system described in the application would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs carried out through the system under this Act;

(3) give priority to applications that describe the highest levels of—

(A) concurrence with the plan for the system; and

(B) collaboration in the development and implementation of the system; and

(4) give priority to applications that describe systems that include programs that will provide paid high-quality, work-based learning experiences;

by appropriate State agencies and officials and the private sector.

(e) GRANT AMOUNT AND DURATION OF GRANT.—

(1) AMOUNT.—The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under subsection (a), and shall determine the actual amount granted to any State under such subsection, based on such criteria as the scope and quality of the plan described in subsection (b) and the number of projected participants in programs carried out through the system.

(2) DURATION.—No State shall be awarded more than one implementation grant.

(f) STATE IMPLEMENTATION ACTIVITIES.—A State shall expend funds awarded through grants under subsection (a) only for activities undertaken to implement the School-to-Work Opportunities system of the State, which may include—

(1) recruiting and providing assistance to employers to provide work-based learning for all students;

(2) conducting outreach activities to promote and support collaboration, in School-to-Work Opportunities programs, by businesses, labor organizations, and other organizations;

(3) providing training for teachers, employers, workplace mentors, school site mentors, counselors, related services personnel, and other parties;

(4) providing labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;

(5) designing or adapting model curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education, for all students in the State;

(6) designing or adapting model work-based learning programs and identifying best practices for such programs;

(7) conducting outreach activities and providing technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;

(8) reorganizing and streamlining School-to-Work Opportunities systems in the State to facilitate the development of a comprehensive statewide School-to-Work Opportunities system;

(9) identifying ways that existing local school-to-work programs could be integrated with the statewide School-to-Work Opportunities system;

(10) designing career awareness and exploration activities, which may begin as early as the elementary grades, such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;

(11) designing and implementing school-sponsored work experiences, such as school-sponsored enterprises and community development projects; and

(12) providing career exploration and awareness services, counseling and mentoring services,

college awareness and preparation services, and other services to prepare students for the transition from school to work.

(g) ALLOCATION OF FUNDS TO PARTNERSHIPS.—A State that receives a grant under subsection (a) shall award grants, according to criteria established by the State, to partnerships to carry out local School-to-Work Opportunities programs. In awarding such grants, the State shall use not less than 65 percent of the sums awarded to the State under subsection (a) in the first year in which the State awards such grants, 75 percent of such sums in the second such year, and 85 percent of such sums in each such year thereafter.

(h) STATE SUBGRANTS TO PARTNERSHIPS.—

(1) APPLICATION.—A partnership that seeks a grant to carry out a local School-to-Work Opportunities program, including a program initiated under section 302, shall submit an application to the State that—

(A) describes how the program would include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of this Act;

(B) sets forth measurable program goals and outcomes;

(C) describes the local strategies and timetables of the partnership to provide School-to-Work Opportunities program opportunities for all students in the area served;

(D) describes the extent to which the program will provide paid high-quality, work-based learning experiences;

(E) describes the process that will be used to ensure employer involvement in the development and implementation of the School-to-Work Opportunities program;

(F) provides such other information as the State may require; and

(G) is submitted at such time and in such manner as the State may require.

(2) ALLOWABLE ACTIVITIES.—A partnership shall expend funds awarded through grants under this subsection only for activities undertaken to carry out local School-to-Work Opportunities programs, and such activities may include, for each such program—

(A) recruiting and providing assistance to employers, including small- and medium-size businesses, to provide the work-based learning components described in section 102 in the School-to-Work Opportunities program;

(B) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to the career majors of students;

(C) supporting or establishing intermediaries (selected from among the members of the partnership) to perform the activities described in section 104 and to provide assistance to students in obtaining jobs and further education and training;

(D) designing or adapting school curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education for all students in the area served;

(E) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;

(F) establishing, in schools participating in the School-to-Work Opportunities program, a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities, in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;

(G) conducting or obtaining an indepth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;

(H) integrating work-based and school-based learning into existing job training programs for youth who have dropped out of school;

(I) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;

(J) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;

(K) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, related services personnel, and school site mentors;

(L) enhancing linkages between—

(i) after-school, weekend, and summer jobs; and

(ii) opportunities for career exploration and school-based learning; and

(M) providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services to prepare students for the transition from school to work.

(i) GRANTS TO CONSORTIA.—

(1) IN GENERAL.—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to implement comprehensive, consortiawide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) AMOUNT.—Notwithstanding any other provision of this section, the amount of an implementation grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) APPLICATION.—For purposes of the application of this subtitle to a consortium:

(A) GOVERNOR.—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) STATE.—References to a State shall be deemed to be references to the consortium.

(C) OFFICIAL.—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) WAIVERS.—In order for a consortium that receives a grant under this section to receive a waiver under title V with respect to a congressional district located within a State, the State and officials of the State shall comply with the applicable requirements of title V for such a waiver.

(5) ABILITY OF STATE TO CARRY OUT PROGRAM.—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(6) DEFINITION.—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortia of congressional district, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

SEC. 213. LIMITATION ON ADMINISTRATIVE COSTS.

(a) STATE SYSTEM.—A State that receives an implementation grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with implementing the School-to-Work Opportunities system of the State for such fiscal year.

(b) LOCAL PROGRAM.—A partnership that receives a grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with carrying out the School-to-Work Opportunities programs of the partnership for such fiscal year.

TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to authorize the Secretaries to award competitive grants to partnerships in States that have not received, or have only recently received, implementation grants under section 212(a), in order to provide funding for communities that have established a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and

(2) to authorize the Secretaries to award competitive grants to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities, and to implement such programs in congressional districts with low population densities, to provide support for a comprehensive range of education, training, and support services for youth residing in designated high poverty areas or in congressional districts with low population densities.

SEC. 302. FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS.

(a) IN GENERAL.—The Secretaries may award Federal implementation grants, in accordance with competitive criteria established by the Secretaries, to partnerships in States that have not received an implementation grant under section 212, or are carrying out activities for an initial year of an initial grant under such section, in order to enable the partnerships to begin implementing local School-to-Work Opportunities programs. A partnership may not receive funds under this section for any fiscal year subsequent to such initial fiscal year.

(b) APPLICATION PROCEDURE.—A partnership that desires to receive or extend a Federal implementation grant under this section shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) APPLICATION CONTENTS.—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) CONFORMITY WITH APPROVED PLAN.—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) IMPLEMENTATION ACTIVITIES.—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, which may include the activities specified in section 212(f).

SEC. 303. SCHOOL-TO-WORK OPPORTUNITIES PROGRAM GRANTS IN HIGH POVERTY AREAS AND IN CONGRESSIONAL DISTRICTS WITH LOW POPULATION DENSITIES.

(a) IN GENERAL.—

(1) AWARD OF GRANTS.—From the funds reserved under section 508(b), the Secretaries are authorized and encouraged to award grants, in accordance with competitive criteria established by the Secretaries, to partnerships to implement School-to-Work Opportunities programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I, in high poverty areas and to partnerships to implement such programs in congressional districts with low population densities.

(2) HIGH POVERTY AREA.—For purposes of this subsection, the term "high poverty area" means an urban census tract, the block number area in a nonmetropolitan county, or an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)), with a poverty rate of 20 percent or more among youth aged 5 to 17, inclusive, as determined by the Bureau of the Census.

(3) CONGRESSIONAL DISTRICT WITH A LOW POPULATION DENSITY.—For purposes of this subsection, the term "congressional district with a low population density" means a congressional district with an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

(b) APPLICATION PROCEDURE.—A partnership that desires to receive a grant under this section, in addition to any funds received under section 212 or 302, shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) APPLICATION CONTENTS.—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) CONFORMITY WITH APPROVED PLAN.—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) IMPLEMENTATION ACTIVITIES.—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, including the activities specified in section 212(h)(2).

(f) USE OF FUNDS.—Funds awarded under this section may be awarded in combination with funds awarded under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

TITLE IV—NATIONAL PROGRAMS

SEC. 401. RESEARCH, DEMONSTRATION, AND OTHER PROJECTS.

(a) IN GENERAL.—With funds reserved under section 508(c), the Secretaries shall conduct research and development projects and establish a program of experimental and demonstration projects, to further the purposes of this Act.

(b) ADDITIONAL USE OF FUNDS.—Funds reserved under section 508(c) may be used for programs or services authorized under any other provision of this Act that are most appropriately administered at the national level and that will operate in, or benefit, more than one State.

SEC. 402. PERFORMANCE OUTCOMES AND EVALUATION.

(a) IN GENERAL.—Using funds reserved under section 508(c), the Secretaries, in collaboration with the States, shall establish a system of performance measures for assessing State and local School-to-Work Opportunities programs regarding—

(1) progress in the development and implementation of State plans described in section 212(b) with respect to programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I;

(2) participation in School-to-Work Opportunities programs by employers, schools, and students;

(3) progress in developing and implementing strategies for addressing the needs of all students in the State;

(4) progress in meeting the goals of the State to ensure opportunities for young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment;

(5) outcomes for students in the programs (including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students), which outcomes shall include—

(A) academic learning gains;

(B) progress in staying in school and attaining—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a skill certificate; and

(iii) a postsecondary degree;

(C) attainment of strong experience in and understanding of all aspects of the industry the students are preparing to enter;

(D) placement and retention in further education or training, particularly in the career major of the student; and

(E) job placement, retention, and earnings, particularly in the career major of the student; and

(6) the extent to which the program has met the needs of employers.

(b) EVALUATION.—Using funds reserved under section 508(c), the Secretaries shall conduct, through grants, contracts, or other arrangements, a national evaluation of School-to-Work Opportunities programs funded under this Act that will track and assess the progress of implementation of State and local School-to-Work Opportunities programs and their effectiveness based on measures such as the measures described in subsection (a).

(c) REPORTS TO THE SECRETARIES.—

(1) IN GENERAL.—Each State shall prepare and submit to the Secretaries periodic reports, at such intervals as the Secretaries may determine, containing information described in paragraphs (1) through (5) of subsection (a).

(2) FEDERAL PROGRAMS.—Each State shall prepare and submit reports to the Secretaries, at such intervals as the Secretaries may determine, containing information on the extent to which Federal programs implemented at the State and local level may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

(d) REPORT TO THE CONGRESS.—Using funds reserved under section 508(c), not later than 24 months after the date of enactment of this Act, the Secretaries shall submit a report to the Congress on School-to-Work Opportunities programs and shall, at a minimum, include in such report—

(1) information concerning the programs that receive assistance under this Act;

(2) a summary of the information contained in the State reports submitted under subsection (c); and

(3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.

(a) PURPOSE.—The Secretaries shall work in cooperation with States, employers and associations of employers, secondary schools and postsecondary education institutions, student and teacher organizations, labor organizations, and community-based organizations, to increase their capacity to develop and implement effective School-to-Work Opportunities programs.

(b) AUTHORIZED ACTIVITIES.—Using funds reserved under section 508(c), the Secretaries shall provide, through grants, contracts, or other arrangements—

(1) training, technical assistance, and other activities that will—

(A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs; and

(B) improve the quality of services provided to individuals served under this Act;

(2) assistance to States and partnerships involved in carrying out School-to-Work Opportunities programs in order to integrate resources available under this Act with resources available under other Federal, State, and local authorities;

(3) assistance to States and such partnerships to recruit employers to provide the work-based learning component, described in section 102, of School-to-Work Opportunities programs; and

(4) assistance to States and such partnerships to design and implement school-sponsored enterprises.

(c) PEER REVIEW.—The Secretaries may use funds reserved under section 508(c) for the peer review of State applications and plans under section 212 and applications under title III.

(d) NETWORKS AND CLEARINGHOUSES.—

(1) ESTABLISHMENT.—To carry out their responsibilities under subsection (b), the Secretaries shall establish, through grants, contracts, or other arrangements, a Clearinghouse and Capacity Building Network (hereafter referred to in this subsection as the "Clearinghouse").

(2) FUNCTIONS.—The Clearinghouse shall—

(A) collect and disseminate information on successful school-to-work programs, and innovative school-based and work-based curricula;

(B) collect and disseminate information on research and evaluation conducted concerning activities carried out through School-to-Work Opportunities programs;

(C) collect and disseminate information that will assist States and partnerships in undertaking labor market analysis, surveys, or other activities related to economic development;

(D) collect and disseminate information on skill certificates, skill standards, and related assessment technologies;

(E) collect and disseminate information on methods for recruiting and building the capacity of employers to provide work-based learning opportunities;

(F) facilitate communication and the exchange of information and ideas among States and partnerships carrying out School-to-Work Opportunities programs; and

(G) carry out such other activities as the Secretaries determine to be appropriate.

(3) COORDINATION.—The Secretaries shall coordinate the activities of the Clearinghouse with the activities of other similar entities to avoid duplication and enhance the sharing of relevant information.

TITLE V—GENERAL PROVISIONS

SEC. 501. STATE REQUEST AND RESPONSIBILITIES FOR A WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) STATE REQUEST FOR WAIVER.—A State with an approved plan may, at any point during the development or implementation of a School-to-Work Opportunities program, request a waiver of one or more statutory or regulatory provisions from the Secretaries in order to carry out the purposes of this Act, and such requests for waivers shall be submitted as part of the plan or as amendments to the plan.

(b) PARTNERSHIP REQUEST FOR WAIVER.—A partnership that seeks a waiver of any of the provisions specified in sections 502 and 503 shall submit an application for such waiver to the State, and the State shall determine whether to submit a request for a waiver to the Secretaries, as provided in subsection (a).

(c) WAIVER CRITERIA.—Any such request by the State shall meet the criteria contained in section 502 or 503 and shall specify the provisions or regulations referred to in such sections with respect to which the State seeks a waiver.

(d) SUPPORT BY APPROPRIATE STATE AGENCIES.—In requesting such a waiver, the State shall provide evidence of support for the waiver request by the State agencies or officials with jurisdiction over the provisions or regulations that would be waived.

SEC. 502. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF EDUCATION.

(a) IN GENERAL.—

(1) WAIVER.—Except as provided in subsection (c), the Secretary of Education may waive any requirement of any provisions specified in subsection (b) or of the regulations issued under such provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act, and local educational agencies participating in such a partnership, in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships and local educational agencies to the Secretary of Education.

(2) ACTION.—The Secretary of Education shall act promptly on any request submitted pursuant to paragraph (1).

(3) TERM.—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary of Education determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) INCLUDED PROGRAMS.—The provisions subject to the waiver authority of this section are—

(1) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), including the Even Start programs carried out under part B of such chapter (20 U.S.C. 2741 et seq.);

(2) part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.);

(3) part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2981 et seq.);

(4) part D of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3121 et seq.);

(5) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3171 et seq.); and

(6) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(c) WAIVERS NOT AUTHORIZED.—The Secretary of Education may not waive any statutory or regulatory requirement of the provisions specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) comparability of services;

(4) the equitable participation of students attending private schools;

(5) student and parental participation and involvement;

(6) the distribution of funds to State or to local educational agencies;

(7) the eligibility of an individual for participation in the affected programs;

(8) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(9) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) TERMINATION OF WAIVERS.—The Secretary of Education shall periodically review the performance of any State or partnership for which the Secretary of Education has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State, partnership, or local educational agency affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 503. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF LABOR.

(a) IN GENERAL.—

(1) WAIVER.—Except as provided in subsection (c), the Secretary of Labor may waive any requirement of the Act, or any provisions of the Act, specified in subsection (b) or of the regulations issued under such Act or provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships to the Secretary of Labor.

(2) ACTION.—The Secretary of Labor shall act promptly on any request submitted pursuant to paragraph (1).

(3) TERM.—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary of Labor determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) INCLUDED PROGRAMS.—The Act subject to the waiver authority of this section is the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(c) WAIVERS NOT AUTHORIZED.—The Secretary of Labor may not waive any statutory or regulatory requirement of the Act, or any provision of the Act, specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) the allocation of funds under the affected programs;

(4) the eligibility of an individual for participation in the affected programs;

(5) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(6) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) TERMINATION OF WAIVERS.—The Secretary of Labor shall periodically review the performance of any State or partnership for which the Secretary of Labor has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State or partnership affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

SEC. 504. COMBINATION OF FEDERAL FUNDS FOR HIGH POVERTY SCHOOLS.

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a local partnership that receives assistance under title II or III may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(A) and (B)) with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the provisions of law listed in paragraphs (2) through (6) of section 502(b); and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(b) USE OF FUNDS.—A local partnership may use the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in paragraphs (1) through (6) and paragraphs (8) and (9) of section 502(c), and paragraph (1) and paragraphs (3) through (6) of section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A local partnership seeking to combine funds under subsection (a) shall include in the application of the partnership under title II or III—

(1) a description of the funds the partnership proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in schoolwide school-to-work activities; and

(4) such other information as the State, or Secretaries, as the case may be, may require.

(d) DISSEMINATION OF INFORMATION.—The local partnership shall, to the extent feasible,

provide information on the proposed combination of Federal funds under subsection (a) to parents, students, educators, advocacy and civil rights organizations, and the public.

SEC. 505. COMBINATION OF FEDERAL FUNDS BY STATES.

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) USE OF FUNDS.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver request by the State agencies or officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purposes of this Act; and

(6) such other information as the Secretaries may require.

SEC. 506. REQUIREMENTS.

The following requirements shall apply to School-to-Work Opportunities programs under this Act:

(1) No student participating in such a program shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No School-to-Work Opportunities program shall impair existing contracts for services or collective bargaining agreements, and no program under this Act that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No student shall be employed or fill a position—

(A) when any other individual is on temporary layoff from the participating employer, with the clear possibility of recall, from the same or any substantially equivalent job; or

(B) when the employer has terminated the employment of any regular employee or otherwise reduced the work force of the employer with the intention of filling the vacancy so created with a student.

(4) Students participating in such programs shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety standards of Federal, State, and local law.

(5) Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(6) Funds appropriated under authority of this Act shall not be expended for wages of students participating in such programs.

(7) The Secretaries shall establish such other requirements as the Secretaries may determine to be appropriate, in order to ensure that participants in such programs are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of this Act.

SEC. 507. SANCTIONS.

(a) IN GENERAL.—The Secretaries may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretaries determine that the recipient has failed to meet the requirements of this Act, including requirements under section 402(c), or any regulations under this Act, or any approved plan submitted pursuant to this Act. The Secretaries shall provide to the recipient prompt notice of such termination, suspension, or refusal to extend a grant and the opportunity for a hearing within 30 days after such notice.

(b) NONDELEGATION.—The Secretaries shall not delegate any of the functions or authority specified in this section, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretaries $300,000,000 for fiscal year 1995, and $400,000,000 for fiscal year 1996; $400,000,000 for fiscal year 1997; $330,000,000 for fiscal year 1998; and $220,000,000 for fiscal year 1999.

(b) HIGH POVERTY AREAS AND CONGRESSIONAL DISTRICTS WITH LOW POPULATION DENSITIES.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out section 303, which reserved funds may be used in conjunction with funds available under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

(c) NATIONAL PROGRAMS.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out title IV.

(d) TERRITORIES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year under subsection (a), the Secretaries may reserve up to ¼ of 1 percent to make Federal implementation grants to territories under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs in accordance with the requirements applicable to States under subtitle B of title II.

(2) DEFINITION.—As used in this subsection, the term "territory" means the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Federated States of Micronesia, and the Republic of the Marshall Islands, and includes the Republic of Palau (until the Compact of Free Association is ratified).

(e) NATIVE AMERICAN PROGRAMS.—

(1) RESERVATION.—The Secretaries may reserve up to ¼ of 1 percent of the funds appropriated for any fiscal year under subsection (a) to make Federal implementation grants to appropriate entities under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs, for students who are Indians (as defined in section 1(1) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(1)), that involve Bureau funded schools, as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3)), in accordance with the requirements applicable to States under subtitle B of title II.

(2) IMPLEMENTATION.—The Secretaries may carry out this subsection through such means as the Secretaries determine to be appropriate, including—

(A) the transfer of funds to the Secretary of the Interior; and

(B) the provision of financial assistance to tribes and Indian organizations, as defined in paragraphs (13) and (7), respectively, of section 1139 of such Act.

(f) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year for programs authorized under this Act shall remain available until expended.

SEC. 509. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries are authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

SEC. 510. STATE AUTHORITY.

Nothing in this Act shall be construed to supersede the legal authority, under State law or other applicable law, of any State agency or State public official over programs that are under the jurisdiction of the agency or official.

SEC. 511. CONSTRUCTION.

Nothing in this Act shall be construed to establish a right for any person to bring an action to obtain services under this Act.

SEC. 512. ADDITIONAL FEDERAL REQUIREMENTS.

(a) PURPOSE.—The purpose of this section is to ensure that the funds provided under this Act cannot be utilized by the Federal Government to contribute to an unfunded Federal mandate.

(b) REQUIREMENTS.—Subject to subsection (c) and notwithstanding any other provision of Federal law, no provision of Federal law shall require a State, in order to receive funds under this Act, to comply with any Federal requirement, other than a requirement of this Act as in effect on the effective date of this Act.

(c) RULE OF CONSTRUCTION.—Any provision of Federal statutory or regulatory law, in effect on or after the effective date of this Act, shall be subject to subsection (b) unless such law explicitly excludes the application of subsection (b) by reference to this section.

SEC. 513. SENSE OF THE SENATE.

It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominately from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

TITLE VI—OTHER PROGRAMS

SEC. 601. TECH-PREP EDUCATION.

(a) CONTENTS OF PROGRAM.—Paragraph (2) of section 344(b) of the Tech-Prep Education Act

(20 U.S.C. 2394b(b)(2)) is amended by inserting "or 4 years" before "of secondary school".

(b) SPECIAL CONSIDERATION; PRIORITY.—Section 345 of the Tech-Prep Education Act (20 U.S.C. 2394c) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) are developed in consultation with institutions of higher education that award baccalaureate degrees;";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection:

"(e) PRIORITY.—The Secretary or the State board, as appropriate, shall give highest priority to applications that provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs.".

TITLE VII—TECHNICAL PROVISIONS

SEC. 701. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 702. SUNSET.

The authority provided by this Act shall terminate on October 1 of the ninth calendar year after the date of enactment of this Act.

TITLE VIII—ALASKA NATIVE ART AND CULTURE

SEC. 801. SHORT TITLE.

This title may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 802. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House thereon, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER conferees on the part of the Senate.

Mrs. KASSEBAUM. Mr. President, I am pleased we have been able to reach agreement on a number of amendments on this bill, including both of the amendments I offered yesterday.

We have agreed to a 5-year authorization, and Senator NICKLES has been very helpful in limiting the amount of funds authorized. I am also pleased that we have worked out language so that my amendment to consolidate programs has been accepted.

Despite these improvements, Mr. President, I voted against the bill. As I said yesterday, we already have 154 job training programs, and we don't need 155.

I believe this bill is another example of what is wrong with our job training efforts. Each time Congress identifies a specific group in need of training—in this case high school students—it creates a new program, with new requirements and, of course, new funds.

Mr. President, this bill is loaded with various kinds of grants—State development grants, State implementation grants, Federal implementation grants, and high-poverty area grants. I fear the job opportunities created will not be for students but for grant writers and auditors.

Creating new programs because we are disappointed with the effectiveness of the old ones is a time-honored tradition in Congress. Yielding again to this temptation is not the answer.

Instead of establishing a new categorical program, we need to reform the patchwork job training system we now have. Our primary goal should be to overhaul the current system, not simply add another job training program to the 154 we already have.

I would also like to thank the Senators on this side of the aisle who worked to make improvements on this bill, particularly Senators THURMOND and Senator GREGG. I also appreciated the efforts of Senator GORTON, Senator NICKLES, and Senator PRESSLER.

I would also like to thank staff on this side of the aisle: Todd Atwater with Senator THURMOND, Alyssa Hamilton with Senator GREGG, Linda Benning with Senator PRESSLER, Stan Bowman with Senator GORTON, Diane Moery with Senator NICKLES, and Ted Verheggen, Carla Widener, and Dan Bolen.

GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.)

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 1404, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previously adopted Burns amendment No. 1404 be modified with a technical correction that I now send to the desk and that the amendment, as modified, be agreed to.

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

The amendment (No. 1404), as modified, is as follows:

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between line 20 and 21, insert the following:

(3) to mandate any curriculum framework, instructional material, examination, assessment, or system of assessments for private, religious, or home schools.

Mr. KENNEDY. I ask unanimous consent that the RECORD note my cospon-

sorship of the Bond and the Glenn amendments adopted Friday.

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

Mr. SIMON. Mr. President, on the last bill just passed, I thank Bryan Kennedy and Luis Castro of my staff; Sarah Fox from Senator KENNEDY's staff; Ted Verheggen and Carla Widener of Senator KASSEBAUM's staff; Marty Rogers from Senator WOFFORD's staff; Dean Rosen from Senator DURENBERGER's staff; Mark Landaver from Senator HATFIELD's, and Reginald Jones from Senator JEFFORDS' staff.

Mr. MITCHELL. Mr. President, I commend the distinguished manager of the bill, chairman of the committee, Senator KENNEDY, and the ranking member on this bill, Senator JEFFORDS, for their outstanding effort in moving this important bill to passage by the Senate. It had been my hope that we could complete action on the other education bill, the Goals 2000 bill, which we had previously begun work on, and bring both of those bills to passage this morning. That has proven not to be possible, as there is one remaining issue to be resolved with respect to the Goals 2000 bill, and we have not been able to reach an agreement among the parties on how best to resolve that. So it is my belief that it will take the next couple of hours to do that.

Therefore, I will momentarily have the Senate go into recess. We ordinarily would have gone into recess at 12:30 until after the caucuses.

Before Senator SIMON leaves the floor, I thank him as well for his outstanding work on the school-to-work bill as a member of the committee. He is one of the principal authors of the bill, and his work made it possible for us to pass this important bill.

Mr. President, it is still my hope that we will be able to reach an agreement and have final passage on the Goals 2000 bill early this afternoon. So further rollcall votes are expected on that legislation.

I want to thank Senator WOFFORD, of Pennsylvania, who, with Senators SIMON, KENNEDY, JEFFORDS, and others, joined in moving this important legislation forward.

RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:17 p.m., recessed until 2:30 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. DORGAN).

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1394

The PRESIDING OFFICER. The pending business in the Senate is the Levin amendment No. 1394 to the bill S. 1150.

Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, my amendment seeks to assure school boards that if they seek in good faith to adopt constitutional policies relative to prayer in school that they are not going to find their Federal funds cut off.

Last week the Senate adopted an amendment of Senator HELMS which threatens to cut off Federal education funds to local school districts if they make a mistake, even, presumably, in good faith, relative to the efforts of students seeking to pray in school. It put a club to heads of local school boards to protect the rights of only one group of students: the group wishing to have organized prayer in school.

There were a number of options following the adoption of the Helms amendment.

One was to offer an amendment threatening the same funds cutoff if local school boards violate the constitutional rights of persons who do not want to be faced with organized prayer in school, thereby putting another club to the heads of local school boards.

A second option was to try to remove some of the threat in the Helms amendment by assuring school boards that if they adopt a constitutional policy toward prayer, whether facilitating it or the opposite, their good faith decision would not lead to a funding cutoff.

My amendment follows the second route because the first approach is a slippery slope for local school boards which already face complex decisions relative to constitutional rights as relate to prayer in school. We should not make it more difficult for school boards to follow the Constitution by making them a target of either side of the prayer issue. We should not put them under the threat that Federal funds could be cut off if a good faith effort on the school boards' part turns out to be unconstitutional, according to some court.

The school prayer issue is one of the most emotional of all issues faced by school boards. School boards already spend large sums of money defending lawsuits from one side or the other. That is why my amendment is aimed at neutralizing some of the impact of the Helms amendment. That is why I decided not to put another club to the heads of local school boards by threatening them with the loss of Federal funds if they failed to protect the constitutional rights of those on the other side of the issue.

One final word on a procedural issue: My amendment was offered last week pursuant to the unanimous-consent agreement which allowed for amendments offered before a time certain. I was not involved in setting the time. This amendment was offered in a timely manner. I had previously informed the leadership staff that I would be offering such an amendment. There was no restriction in the unanimous-consent agreement relative to this amendment nor did I know of any side agreement, if there was one.

Mr. BUMPERS. Mr. President, I would like to be added as a cosponsor of this amendment.

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

LEVIN AMENDMENT CONSISTENT WITH HELMS-LOTT AMENDMENT

Mr. HELMS. Mr. President, this past Thursday there was a gentlemen's agreement with the Senator from Massachusetts [Mr. KENNEDY], which would reduce the debate time on this bill. I agreed to reduce to two the number of amendments I would offer—and the Senator from Massachusetts would be permitted to offer one opposing amendment for each of my two.

I offered an amendment on school prayer. Senator DANFORTH then offered an amendment on behalf of Senator KENNEDY on silent meditation. The Senate then approved my prayer amendment, 75–22, and, by a vote of 78 to 8, approved the Danforth amendment the following morning, on Friday. I then offered my second amendment forbidding the distribution of condoms to school children without parental consent. Senator KENNEDY and Senator JEFFORDS offered an opposing amendment.

Mr. President, pursuant to the unanimous consent agreed to by Senator KENNEDY and me, I assumed that good faith had prevailed. I then agreed to another unanimous consent request establishing a deadline for Senators to offer other first degree amendments to the bill at 4 p.m. on Friday, with votes on all amendments pending to be stacked on Tuesday.

However, without my knowledge or consent, the unanimous-consent agreement was changed to extend the deadline for amendments to 5 p.m. At a few minutes before the 5 p.m. deadline, the Senator from Michigan [Mr. LEVIN], offered another first degree amendment relating to the issue of prayer in the schools.

So once again, good faith efforts from this side of the aisle to save the Senate's time are met with bad faith from the manager on the other side of the aisle.

Mr. President, as to the Levin amendment itself, over the weekend I checked with some of the Nation's foremost legal scholars and litigators on the issue of school prayer and the first amendment. Specifically, I asked them to examine Senator LEVIN'S amendment to see what effect, if any, the LEVIN proposal would have on my

school prayer amendment which the Senate passed by a vote of 75 to 22.

Mr. President, their unanimous conclusion was that the Levin amendment is consistent with, and indeed complements, the Helms amendment.

Obviously, the Levin amendment, is what is known around this place as a CMF amendment, a "cover my fanny" amendment. Senator LEVIN was 1 of the 22 Senators who voted against my school prayer amendment last Thursday—and he caught some heat about it. However, as the Levin amendment will not diminish the impact of the Helms-Lott amendment, I will not be upset if is it accepted on a voice vote. At least that would save the Senate some time.

Mr. President, I ask unanimous consent that a legal opinion on the implications of the Helms-Lott amendment and the Levin amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. This opinion was drafted by Mr. James Matthew Henderson, Sr., senior litigation counsel for the American Center for Law and Justice.

Mr. Henderson has been involved in many of the school prayer and religious rights cases that have come before the Supreme Court in prior years. Mr. Henderson has this to say about the effect of the Levin amendment on my school prayer amendment:

First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer? If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

Mr. President, the Levin amendment really should be withdrawn, but if it is not, I must serve notice that I have a number of second-degree amendments that I will offer to it.

EXHIBIT 1

A TALE OF TWO AMENDMENTS: COMPARISONS AND CONTRASTS BETWEEN THE HELMS-LOTT AND LEVIN AMENDMENTS

(By James Matthew Henderson, Sr.)

INTRODUCTION

The Senate has added one amendment to the education bill now pending before it, and has a second one pending before it. The first amendment, the Helms-Lott amendment, states:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools."

On February 4, 1994, Senator Levin offered the second amendment, which is still pending. The Levin amendment states:

"Notwithstanding any other provision of this act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied because it has adopted a constitutional policy relative to prayer in public school."

Important questions must be answered in consideration of these back-to-back amendments. Most importantly, the question of whether the legal effect of the two amendments is essentially a nullity, if both survive conference committee, it needs to be resolved. Also, consideration should be given to their separate operation and enforceability, given the possibility that only one may survive conference.

As a prerequisite to this discussion, it must be understood that, in the public school setting, a student is generally free to express his views so long as such expression does not lead to disruption of the school or work a substantial interference with the rights of others. Further, it is clear that the Establishment Clause does not operate to restrict or private religious expression, including prayer. That clause concerns itself with the affairs of government, not of students. Thus, a guiding axiom is that students in public schools cannot violate the Clause by their private actions.

THE HELMS-LOTT AMENDMENT

There need be no doubt about the need for strong medicine to buttress the rights of students seeking to express faith in their God through voluntary, student-initiated prayer on public school campuses. The contact reports and files of the American Center for Law and Justice include many, many instances in which public school officials have prevented or interfered with student-initiated, voluntary prayer on campus. It is an unfortunate fact of life for many students that ignorance of the law seems to abound in the area of student-initiated, voluntary prayer.

Consider the case of Misty Newberry, a student at Massac County High School in Metropolis, Illinois. In September, 1992, Misty joined with a small group of friends for a short time of prayer before the beginning of the school day. They were observing "See You At The Pole," the National Day of Student Prayer, when hundreds of thousands of students around the Nation joined together to pray for their fellow students, their teachers and administrators and their communities.

When Misty Newberry and her friends were praying, however, her school's administrators were calling the police and the sheriff. Before the event could end voluntarily, Misty and another had been threatened with tear gas, if they would not cease their prayer activities. Ultimately, Misty was taken into custody and placed in the back of a sheriff's cruiser, then released after approximately fifteen minutes.

Had the Helms-Lott amendment been the law at the time of Misty's misfortune, there is little doubt that Misty would have been able to pray for her principal, instead of being arrested at his direction.

The Helms-Lott amendment positively mandates a cut-off of any funds made available through the Department of Education for any "state or local educational agency" that, by policy or practice, "prevents participation in, constitutionally-protected prayer" under conditions where the prayer is student-initiated and voluntary. No implementing regulation seems necessary before the effect of the amendment would be felt. Nor does the language admit of a discretionary authority to deny funding. Rather, funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education would be at jeopardy if a school district or state education department promulgated or enforced a policy of interfering with student-initiated voluntary prayer.

It is also important to note what the Helms-Lott amendment would not do. Under the Helms-Lott amendment, there would not be any possibility of coerced participation in religious activity. Nothing in the language admits of an interpretation under which students could be compelled to participate in prayer activities. Of course, the Supreme Court's decision in Abington v. Schemmp, struck down such programs of compulsory religious observance in public schools. As if the fact of precedent were insufficient, the Helms-Lott amendment states quite specifically, "Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools." Thus, student and teachers both are protected from unwanted and unwarranted compulsion to give assent to any particular religious observance.

THE LEVIN AMENDMENT

Following the adoption of the Helms-Lott amendment, the Senate took up the Levin amendment, a separately effective provision which prohibits the Department of Education from withholding any funds under any federal act in cases where the recipient of the funds has "adopted a constitutional policy" on school prayer.

Taken in isolation, the Levin amendment approaches constitutional insignificance. Its operative impact is extremely light. Because it appears chiefly to have been offered as a counterweight to the Helms-Lott amendment, it would only affect those situations where an educational agency was threatened with a cut-off of federal funds because of its policy or practice of preventing voluntary participation in student-initiated prayer. Careful review of the language of the Levin amendment demonstrates that it is not positive law.

In the absence of the Levin amendment, would the Department of Education be permitted to withhold funds from a school district solely on the basis of the district having a stated, and constitutional policy regarding school prayer? The obvious answer is, no. Such a denial would be irrational. The addition of the Levin language, then, adds nothing, because the Department of Education is not in the business of denying federal funding to otherwise eligible educational agencies.

TAKING THE AMENDMENTS IN TANDEM

Two key points should be noted about the situation in which both amendments service the conference process, and, ultimately, become law.

First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer. If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1394) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I am pleased that the committee accepted an amendment that I have joined Senator PRYOR in introducing which would utilize the reservoir of skill and talent that exists among senior citizens in the school community. Our amendment would provide for State enhancement and expansion of intergenerational mentoring programs, including tutorial programs, in their public schools. The proposal would place trained, mature adults into the public school system, and match the needs of America's youth with the experience and skills of seniors. Specifically, our amendment would:

Encourage States to use intergenerational mentoring for State educational improvements:

Ask States, in developing State improvement plans, to describe strategies for utilizing programs such as intergenerational mentoring in helping students meet State standards; and

Authorize that funds to be used for State activities designed to implement the State improvement plan would include programs such as intergenerational mentoring.

Mr. President, this amendment builds upon legislation I previously authored, which was enacted into law in 1989 as a part of the National Volunteer Service Act, that creates a separate RSVP one-to-one senior tutorial program for K-12 students.

Programs that involve senior citizens in the education of our Nation's children are by no means new. Such projects have had great success in schools throughout this country, including my own State of Michigan. There are currently a number of projects in Michigan that have achieved success in increasing the learning abilities of educationally disadvantaged students, and have provided rewarding experiences to our greatest human resouce—our senior citizens. Programs exist from as far north as Escanaba in the Upper Peninsula, to the southern region of the State in Jackson County, and spanning from west to east covering Kent, Oakland, and Wayne Counties.

Mr. President, current projects that are scattered about varying public schools in the States, are not sufficient to meet the demands and the challenges in its entirety. It is estimated that even with presently established projects, millions of educationally disadvantaged children are in need of help in the basic skills of reading, writing, and math. This amendment will enable the States, that may voluntarily choose to do so, to bring in more projects as needed.

Mr. President, I am also pleased that the committee has decided to accept my amendment which adds to the list of initiatives that may be funded under State improvement plans. My amendment permits State educational agencies to use certain title III funds for: "* * * supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and to motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess."

Mr. President, studies on the effects of reduced class size show that students in small class routinely outperform those in regular and regular-with-aide classes in all types of schools. Small classes also enhance the teacher's ability to identify student learning needs, provide individual attention, develop positive relationships with students and families and teach more material more thoroughly.

Relative to the provision of my amendment on the instruction of chess, current studies speak to the success of such programs in the schools. A 4-year study of school chess players found that chess instills self-confidence and self-worth; dramatically improves the ability to think rationally; and results in higher grades, especially in English and math. I ask unanimous consent that the attached articles from the August 27, 1993, USA Today and the May 17, 1993, Washington Post regarding the success of chess in the schools be included for the RECORD at the end of the text of my statement.

Mr. President, in closing, I would like to commend my colleages on the Labor Committee for their leadership and perseverance in getting us to this point today. The legislation before us represents a great deal of bipartisan effort and consensus that we can, indeed, succeed in fundamental education reform if the connection between school and community is strengthened and the essential partnership with parents, teachers, and students is renewed.

Due in no small part to the distinguished leadership and special efforts of Senator KENNEDY, Senator PELL, Senator KASSEBAUM, Senator JEFFORDS, and others, the legislation provides the framework for meeting the national education goals, while maintaining critically important local flexibility—the ability for school districts and States to try things that work in their community and in their State.

Mr. President, one of the reasons why I joined as an original cosponsor of this legislation is the positive nature of the national education goals, which specify that by the year 2000:

First, all students would arrive at school ready to learn;

Second, that the graduation rate would increase to at least 90 percent;

Third, that students would master challenging content in core subject areas;

Fourth, that our students would be first in the world in math and science;

Fifth, that all adults would be literate and prepared for life-long learning;

Sixth, that our schools would offer children a disciplined and drug-free environment; and

Seventh, that every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Finally, Mr. President, I hope the enactment of this legislation will help make major improvement in American education and work force training.

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

[From USA Today, Aug. 27, 1993]

CHESS CENTER HELPS KIDS IN THE GAME OF LIFE

(By Tamara Henry)

WASHINGTON.—Fearing a wrong move, 11-year-old LaWanda Wellington slowly slides her black knight across the board while suspiciously eyeing her opponent's white bishop and queen.

"Go ahead and do it," coaches Andrew Agostinelli, an Eastern High School math teacher who helps out at the chess camp in downtown Washington. "You think you can't, but you can."

LaWanda plops the knight on a square. "Yeah. That's it! Isn't it?" reassures Agostinelli. She sighs. She smiles.

The camp is the first project of the U.S. Chess Center, which began last July when director David Mehler received the official go-ahead to operate the largest chess facility outside the former U.S.S.R. In a city that reeks of power and self-important bureaucrats, Mehler's goal is to share his love of chess with the powerless—inner-city children.

Traditionally, chess had not been an inner-city sport but mainly a game for men, the wealthy or intellectuals. Brought to America by Spanish explorers, chess players include Queen Isabella, who financed Christopher Columbus, and Benjamin Franklin.

Now, the movie Searching for Bobby Fischer has sparked even more interest in the game, especially among children. But unlike Fred Waitzkin's story of his son Josh's journey through the national chess championships, Mehler isn't looking for chess geniuses.

"I just enjoy doing this," says the 42-year old former criminal defense lawyer.

"It's the most effective way to get these kids to have a different feeling about themselves," Mehler says. He's been teaching chess for more than 20 years and discovered the benefits of the game while teaching school and earning his law degree in Sacramento.

Studies show young chess players quickly learn self-discipline, the dangers of impulsive behavior, the value of concentration and how to succeed within the limits of the rules.

The U.S. Chess Federation says children make up almost 35,000 of its total paid membership of about 70,000—the highest membership ever in the group's history. Adults pay $200 and student $60. Almost 2,500 USCF-affiliated chess clubs are in schools. About 150,000 youngsters play in organized competition.

About 30 youngsters signed up for the two-week, three-hours-day-camp. But a little over a dozen actually show up each day. The children are transported from blighted neighborhoods by a local community group to a neoclassical office building blocks away from the White House. The building's carpeted basement houses the Chess Center, the U.S. Chess Hall of Fame and Museum and gift shop.

Once downstairs, the youngsters rush to long tables lined with chess sets. Usually they wait for Mehler to discuss the day's new concept or to serve milk. Occasionally, there are field trips.

"Here's a little strategy," says Mehler in his mini-lecture. "I see folks move pawns in front of rooks. That's not as good as moving pawns in front of kings and queens."

He pauses. "The bolder you are, the more successful you'll be. Move pawns into the center of the board."

The children study their chess boards as he talks.

Meanwhile, Agostinelli and LaWanda continue their discussions. A few space down, Mark Smith, 17, helps Jared Estep, 14, improve his strategy. At another table sit two other Wellingtons, 6-year-old William and 7-year-old LaNette, LaWanda's cousin and sister.

"What I like about (the chess camp) is it helps them to get out of the drug environment, gets them off of the streets and helps them to use their brains and think," Smith says.

Smith started playing chess about five years ago and has seen remarkable improvements in his math, thinking and verbal skills: "Instead of writing on paper, I imagine. I calculate in my head."

The plan for the chess center began in 1989 when world champion Garry Kasparov came to the nation's capital to introduce the game as a way to battle drug abuse among children. He helped raise funds for a pilot program that summer.

Mehler's goal is to teach chess to youngsters at the center and in every school in the metropolitan area. He targets minorities, girls and women.

Besides the camp, there are after-school lessons for students in grades four through 12, a Saturday morning program for kindergarten through third-graders, weekend and other special activities for teenagers. Evenings are reserved for adult tournaments, seminars taught by masters, casual games and adult lessons.

"Many of these kids came with the attitude they would never be able to play chess," says Mehler, who remembers LaNette crying when she first tried to properly move a pawn.

"But, of course, she did learn to play chess," Mehler says. "If we can get these kids out of the habit of thinking they can't learn things and instead in the habit of knowing that they can, then there are no limits."

[From the Washington Post, May 17, 1993]

MANEUVERING TO WIN YOUNG MINDS: P.G. SCHOOL CHESS CLUB TEACHES BOYS SELF-DISCIPLINE, SELF-ESTEEM

(By Lisa Leff)

Classes have ended for the afternoon at Morningside Elementary School, but in the library two dozen young boys are sitting in silence, smooth chins cupped in hands and wiry shoulders hunched over wooden tables. They are the Master Knights, and twice weekly at 2:15 p.m., this library becomes their clubhouses.

"You know what happens at the tournament if you make too much noise, don't you?" coach Beulah McMeans tells the members of Morningside's boys-only chess team as they ponder their next moves. "You'll get disqualified, won't you?"

To the Master Knights, patience, self-discipline and playing by the rules are part of the game. Now in its second year, the 29-member scholastic chess club was formed to engage the minds of black males from kindergartners to sixth-graders. Like a variety of other programs at the 175 public schools in Prince George's County, the Morningside club is designed to nurture black youths and help them to thrive.

But Morningside, in western Prince George's County near the District line, is the only county school using chess as a vehicle for student success. McMeans, a guidance counselor who made a habit of pulling out a worn chess set when children were referred to her because of behavior problems, sees a simply beauty in it.

The centuries-old board game, correctly or not, generally is thought of as the pastime of "brains," which is just what McMeans wants her players to feel free to be. And the boys seem to get a kick out of "doing something no one else they knew was really doing," she said.

"One of the first rules of chess is after the game, you shake your opponent's hand, win, lose or draw. Second, you learn from your mistakes," McMeans said, "We want that to go right back into the classroom and the community."

A sense of high purpose infuses the team's Tuesday and Thursday meetings. Although uniforms are optional for students at Morningside, Knights must wear blue pants and white shirts and spend their recesses at practice. Team members usually are required to put in an hour of homework before they may pick up their vinyl, tournament-style chess boards after school.

McMeans demands that her players approach chess with the dedication of athletes. They keep thick playbooks filled with rules and the strategies of Bobby Fischer, the only American ever to be world chess champion. She does not let them have sodas and snacks while they practice. "If you really want to play chess, you don't care about cookies or candy," she tells them.

In the era of fast-paced video games and Rollerblades, it might be hard to understand why a group of boys would stay after school to play chess, a game that can be time-consuming and plodding. But the Knights say they appreciate the game's emphasis on tactics, rather than luck. What's more, size matters little in chess; just last Thursday, Richard English, 8, a third-grader, beat Joseph Walker, 10, a fifth-grader, who accepted the defeat with a gentlemanly grin.

"It's like a thinking game," said Deshaun Wells, 11, who is in sixth grade and taught himself chess using a computer program. "When we play, it's like we are seeing who is the smartest or something."

Gregory Bridges, 12, is president of the Master Knights, a position for which he was selected because of his devotion to the club and his skill as a player. His father, Elvin Bridges, one of several parents who sometimes drop by the school for a quick game or two, taught Gregory how to play six years ago. Now, the sixth-grader is teaching his younger brother, DeShawn Brown, 5, after school with the Master Knights.

Chess, Gregory has decided, "keeps everyone down to earth."

"When you see someone who is big and bad on the streets, you hardly see anyone who plays chess. That is how chess influences you," he said. "You have to have patience and a cool head, and that patience carries outside the chess club."

Last month, with financial help from the school system and a local property management firm, the Knights took a four-day road trip to Charlotte, N.C., to participate in the National Scholastic Chess Championships. They were the first public school team from Prince George's to compete in a tournament and one of a few all-black teams among those representing 300 elementary schools.

Much of what they saw made an impression—teams that had chess masters as coaches, teams with their own jackets. One team even rented a $500 hotel suite so it could practice in private. The Knights, most of whom were in championship competition for the first time, suffered a bad case of jitters. Gregory was the only player to win his first game.

But although they did not bring home any trophies, they gave a respectable performance, winning 37 of their 105 games and finishing ahead of several teams with more experience. "It was better than coming in last or not coming anywhere at all," Gregory said.

Amy Schapp, a fifth-grade teacher at Morningside, said the Master Knights have made her a believer in the power of chess. Last September, one of the boys in her class was in danger of getting D's and E's and seemed totally disconnected from school. At McMean's suggestion, he became a Knight. Last marking period, he made the honor roll.

"The chess club is a very positive thing. It gives them something to strive for. They belong to the Master Knights, and I think that is a good feeling for them," Schapp said.

McMeans and her husband taught themselves how to play chess more than 20 years ago while living as an Air Force family in Athens. On club days, she wears an ivory knight on a gold chain around her neck, a gift from her husband. She plans to get the team members T-shirts with the logo "Leaders of Tomorrow," because in chess, moves by knights are L-shaped.

Still, she'll confess there is nothing mystical or sacred about the game. Chess makes the Master Knights smarter because they believe it can. Their team slogan is, "We think, therefore we are."

"Whatever works. If this works for them, we'll play chess," McMeans said. "If this fades, we will find something else."

Mr. LEVIN. Am I correct in my understanding that the wording in the legislation pertaining to the subjects of history, geography, civics, and government would not impede States and local school districts who define those subjects as social studies from continuing that practice and benefiting from the legislation?

Mr. KENNEDY. That is correct. The intent of this legislation is not to exclude States and local school districts that use the subject heading social studies rather than history, geography, civics, and government.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to express my strong support for Goals 2000.

This country has a justifiable reason to be proud. It is the first modern nation to guarantee all its citizens access to an education. When we look at the progress of our schools, however, we discover what our young people have not learned as opposed to what they have learned. All too often the high school diploma is a certificate of attendance instead of a certificate of knowledge. There is an uneven playing field in education. Expectations of students differ not only between socioeconomic classes, but from State to State, and for college-bound students and the forgotten student group that goes to the work force immediately after high school.

We need a national framework to funnel our efforts and to reach the 35 percent of our kids who are not ready to participate successfully in school.

In response to our current predicament, a bipartisan group including our Nation's Governors and the President developed the six national education goals to be achieved by the year 2000. These goals, along with a newly added seventh goal calling for more parental participation, have provided a framework for Goals 2000. I have been a supporter of this legislation from the beginning.

Goals 2000 will create a partnership between the educational system and local communities by providing a set of voluntary world-class standards. Standards are the linchpin that bring about educational reform, designed to fit the special needs of our communities.

Opponents of Goals 2000 claim this bill is bad for local community control of school because they think it establishes Federal education mandates. As we all know, this just isn't so. This bill creates no mandates, no outcome-based education, no refusals to fund other education programs down the road. It's voluntary, inclusive, and bottom-up.

Let me quickly go through the goals to reiterate what we are talking about here.

Goal 1, all children in America will start school ready to learn.

Goal 2, high school graduation rate will be 90 percent. In my own State of Colorado, we are ranked 26th in the Nation with a 74.5 percent graduation rate. This bill will help us help more kids earn their diploma.

Goal 3, students will leave grades 4, 8, and 12 having demonstrated competency in core subjects. In 1990, only 22 percent of Colorado's fourth graders scored at the proficient or advanced level in reading.

Goal 4, U.S. students will be first in the world in science and math achievement. In Taiwan, 41 percent of eighth graders have advanced scores in math; in Switzerland, 33 percent score at this level. Only 26 percent of Colorado eighth graders earn advanced scores.

Goal 5, every adult American will be literate.

Goal 6, every school in the United States will be free of drugs and violence. Nearly 3 million crimes occur on or near schools every year. We must make our schools a safe environment if we intend to create a learning environment.

Goal 7, the newest goal; every school will promote partnerships that will increase parental involvement and participation. Because we all know it's parents that must raise children, not schools, and not the government.

Last month, I had the honor of hosting Secretary Riley on a tour of Denver's West High School. We were able to see students who are learning at world-class levels, even in a tough part of Denver. I had the pleasure of meeting Mr. Ed Cordova, the principal at this school. With tenacity and determination, he is reaching these kids, even with many of them in local gangs. He has found a way to help these kids aim for high standards as young adults.

You see, the problem isn't so much what to do and how to improve schools. The difficulty is taking what we have learned and putting those ideas into action. We have already learned that reform is best when it is voluntary, inclusive, and bottom-up. When we involve parents, teachers, and the entire community in the process of putting children first like West High School is attempting to do. Goals 2000 allows the States and local school boards to continue in their efforts and encourages them to excel.

What's important to stress here is this: I think most of us agree each State in this country needs to be working in its own unique context toward the common goal educating America's children. I know I trust the people of Colorado to make the right choices for our children at the local level. If people are concerned about Goals 2000, they should be involved with their local community and their decisions about local schools.

The year 2000 is only 6 years away. We have a long way to go to have our children learning at world-class standards. Passing Goals 2000 is the next step forward.

I urge my colleagues in the Senate to give the decisionmaking powers to our local communities and vote in support of the Goals 2000: Educate America Act.

Mr. DANFORTH. Mr. President, as an original cosponsor of the Parents as Teachers Act, I rise to offer my support for Senator BOND'S amendment to include the Parents as Teachers Program as part of Goals 2000. As Governor of Missouri, my colleague developed this fine program in our State, and it works. He should be commended for his continued efforts in promoting this concept.

Parents as Teachers began statewide in 1985 with 13,000 families. The program has experienced steady increases in participation with 119,000 families participating last year and a waiting list of 3,000 families. The success of Parents as Teachers is evidenced by its limited replication in 42 other States.

The strength of the program is that it is community and family based and it assists parents in being actively engaged in the early childhood development and health of their children from birth until the ages of 3 to 4. The premise underlying the program is that parents are a child's first and most important teachers, and the role of the State is to assist the parents in providing the best educational foundation possible. Parents as Teachers represents a wise investment. Remedial education and dealing with the problems of dropouts in high school are very expensive. Helping children be ready for school in the first place is much more cost effective and supporting parents in doing this makes sense.

In recognition that income and education levels do not necessarily determine how much a parent knows about child development, Parents as Teachers is a voluntary program for all parents. Even our most affluent school districts have children who are struggling. Parents as Teachers assists parents in making rational choices for their own family. The professional parent educators do not do things for families, but rather provide them with information and support to feel confident in making good decisions for themselves. There are specific things parents learn through Parents as Teachers about how to lay a solid foundation for school success. All parents deserve support in giving their children the best possible start in life.

In keeping with the objectives of Goals 2000, the Parents as Teachers model is flexible to meet the needs of the community, incorporates community participation, and fosters inter-

agency collaboration. I believe this amendment complements and strengthens the seventh goal added to Goals 2000 with regard to parental participation in the education of their children and recognizes the significant role of parents' involvement. My colleague, Senator BOND, should be commended for his continuing efforts to improve the education of our young children.

Mr. DOMENICI. Mr. President, I am pleased the Senate has turned its attention to this matter. Education is an issue that I think all of us will agree is a vital one for the future of our country, and it is appropriate that with the new year we rededicate ourselves to this topic.

During the past week, Members have worked very hard to get a good bill. While there are some portions of this bill that I disagree with—and which I believe can be, and should be, improved—there are also a number of provisions I endorse. I have been willing to listen hard to both sides and do what needs to be done to craft a good bill, and I appreciate the willingness of my colleagues to do the same.

So let me begin by being very blunt about what we are doing here. I favor reforms to the educational system that will make a significant difference in the delivery of educational services to our students. Period.

I do not want to create just another expensive block grant program which does nothing more than perpetuate the status quo. While I will be one of the first to admit that our system is meeting the needs of students who are performing well, I also believe that we can and should continue to do better.

I do not favor reforms that wrestle control of education away from State and local governments and place it in the hands of the Federal Government. Nor do I want a bill that places a government monitor at every stage of a student's development.

During the past week or so, I have received more phone calls and letters than I can count from parents, teachers, and administrators who have expressed a serious concern that this bill will mean Federal interference in a vital part of their lives and the lives of their children.

I absolutely agree with them that we don't need a government that is constantly looking over the shoulders of teachers and parents. Folks are already intimidated enough by the threat of a big government. I want to give our educators the opportunities they need to do their jobs right, which means doing their jobs effectively, creatively, and efficiently. We cannot assume, even with all our good intentions, that we know better than our teachers, principals, local school boards, and parents about what works in local schools. There is too much evidence to the contrary.

During consideration of the education reform bill in the 102d Congress, the final version of the bill made no meaningful reforms and simply established a large block grant program with a tangle of Federal strings attached.

I believe control of education should remain firmly in the hands of the States, their local governments, and individual communities, each of which has its own unique needs. As I have done before, I will oppose any legislation that tips this balance in favor of the Federal Government.

However, I am pleased to note that numerous provisions of the Goals 2000 bill reflect—at least in ideology—many of the proposals that Senator NUNN and I have recommended in the first report issued by our Strengthening of America Commission.

Senator NUNN and I serve as cochairmen of this Commission, which was formed with the cooperation of the Center for Strategic and International Studies [CSIS]. Our object is to help build a stronger America through changes in tax policy, investing in human resources, and breaking gridlock in Washington.

For example, in our report, we essentially agree with the proponents of Goals 2000 that the time has come to consider developing academic standards. Our CSIS report encourages the Nation to develop educational content and student performance standards in core subjects, very similar to the core subjects listed among the Nation's education goals.

We have recommended that these standards draw upon work being done by the States, subject matter specialists, and other professional organizations, as well as comparing with those standards set by our competitors.

To this end, we have recommended that the Congress establish an entity to coordinate and ensure the quality of this effort and monitor its results. Ideally, this is the role that will be filled by the National Education Standards and Improvement Council [NESIC] in the Goals 2000 legislation.

While we need national standards, local educators must be given flexibility in attaining them. Resources, authority, and responsibility must be returned to the classroom. With this concern in mind, I think we need to be very careful about how we go about implementing many of these reforms, as well as how much authority we invest in NESIC.

This bill places a great deal of weight on setting national and State content and student performance standards. The content standards are to be broad descriptions of knowledge and skills to be acquired in a particular subject area, while student performance standards are the more concrete and explicit definitions of what students should know and be able to achieve.

Setting national standards has always been tricky. We've had a difficult time addressing the issue because no one has ever been quite sure how we go about measuring success in attaining these standards. However, if we are going to strive for excellence in the classroom, I think most would agree that we do need to give our educators some idea of what we consider that standard of excellence to be.

The real challenge will be to ensure that content standards are sufficiently broad enough—and voluntary enough—to leave schools the flexibility and creativity to strive for these standards in an infinite number of ways.

In basketball, for example, we know that the standard of excellence is to get the ball through the hoop. But what kind of offense each team wants to run to reach that goal is left to each team to determine. Our standards must be very carefully set so as not to say, "You may only shoot layups. You may not shoot three-pointers."

This same philosophy should apply to national content and performance standards. I know Senator KASSEBAUM shares this concern and has worked very hard to ensure that this bill does not become overly prescriptive.

I was pleased to read that the committee noted in the bill's report that setting and adopting standards are in and of themselves not enough—that we will also need well-trained teachers and other resources. I also believe we should make it clear that any national standards are not expected to be the ceiling on what our students should know. Our teachers and students should not only strive to meet these standards, but to exceed them.

On the similar topic of education standards, our CSIS report also states that the current mesh of standardized tests does not reflect true academic effort and achievement of our students. As I mentioned earlier, one of the primary concerns about national standards has focused around how we measure student success in meeting those standards.

In the CSIS report, we recommended that high-quality educational content and student performance standards be supported by high-quality student assessments. We believe educators need to move away from the typical multiple-choice format—turn the crank and get the answer—and toward a new type of assessment process.

Again, we recognize that this will be difficult. I hope NESIC will work closely with States to explore new methods of student assessment. It really is an area where much still needs to be done.

I am somewhat less enchanted, however, with opportunity-to-learn [OTL] standards. I believe the rationale behind such standards is certainly well-intentioned—that it may not be fair to ask students to strive for national standards when they were never, for any number of reasons, given a fair opportunity to learn such standards.

However, I do not believe we significantly improve education by imposing mandates on what those in industry might call the beginning of the pipeline.

Instead, we must focus our efforts on providing schools with support and flexibility which will help them meet high standards, rather than dictating to them what resources must be utilized.

For instance, while we may have a good idea what conditions are generally favorable for learning—which types of instruction, for example, what kinds of resources, and how much money—we also know that these factors do not hold true in every situation.

For example, I once brought to the attention of my colleagues the accomplishments of five students in El Paso, TX, who, despite what many would have considered tremendous odds, were bound for the Massachusetts Institute of Technology. Five students from one public school was believed to be the largest class from any one public school to attend MIT.

Yet, looking at the demographics of this school, one would hardly have expected five students with such high academic achievement. A majority of students lived below the poverty line, and a great deal did not speak English upon entering the school their freshman year. Still, through perseverance, hard work, dedicated teachers, and very little Federal interference, this school produced these, and other, outstanding students.

Might this school have done some things differently with OTL standards? You bet. Might the school have produced more quality students? It's hard to say. But my point is, what teachers in El Paso or Albuquerque find works for their students may not necessarily work equally as well for students in Amarillo or Santa Fe. The diversity of our system is what makes it so great.

Therefore, Federal, State, and local governments should ensure that their poor schools have the requisite resources to prepare their students to meet rigorous standards. Frankly, we can do this any number of ways—our CSIS Commission, for example, recommends reforms in the Chapter I Program, and you can be certain that Senator NUNN and I will revisit this issue during the debate on the Elementary and Secondary Education Act—and I believe schools should take the opportunity to address the issue as they see fit. But I certainly don't think we should mandate this standard.

I caution my colleagues that experience has traditionally shown that what begins as voluntary often does not stay that way for long. However, I am satisfied that the language we currently have before adequately protects the rights of State and local education agencies to address this issue voluntarily and to fit each specific situation.

I know Senators KASSEBAUM and JEFFORDS also have the same serious concerns about opportunity-to-learn standards, and I believe it is through their efforts that the OTL language in the bill has been shifted from prescriptive to descriptive. If I thought this bill mandated any of these standards, I would oppose it.

I have also heard a great deal of concern from folks that this bill will force States to implement what people are calling outcome based education [OBE]. As I understand it, the intent of OBE is to focus on academic results and provide greater flexibility to localities. This in itself is good.

However, I understand and appreciate the concerns I am hearing from New Mexicans who fear that outcome-based education will move away from the basics of education and into matters that are best left to the discretion of parents.

As I understand it, this legislation in no way mandates or endorses one system of reform over another. There may be many who oppose outcome-based education, but whether a school wants to use assistance under this legislation to implement OBE as a means of reform, that is entirely their business.

I am also encouraged by the emphasis this legislation places on the importance of job skills standards. This is also an issue stressed in our CSIS report, though in a slightly broader scope than allowed by the parameters of this bill.

Our report points out that the United States has only minimal standards to measure skill competencies. For example, most occupational training certifies only program completion or graduation, which are not necessarily recognized by employers or transferable from job to job and State to State.

The Skills Standards Board authorized under this legislation is charged with endorsing voluntary skill standards systems developed with voluntary partnerships. These skill standards, among other criteria, must allow for regular updating as information becomes available, must be developed after taking into account relevant standards in other countries, and, perhaps most important, they must be portable credentials to facilitate mobility within that skill or among industries.

In the CSIS report, we have stressed the importance of businesses, trade association, educators, and labor working together to develop a system of technical and professional standards for occupational training.

We believe that the technical and professional certificates recognized by employers and postsecondary institutions should be available for the entire range of services and industries and should include rigorous qualifications and standards. If enacted, I urge the National Skills Standards Board to consider the recommendations made in our report.

Finally, I want to thank the members of the committee for their willingness to accommodate me on several amendments I proposed to the bill we currently have before us. For the benefit of my colleagues, I want to review very briefly how my amendments change this bill for the better.

My first amendment lays some ground rules for how the National Goals Panel would conduct its business. Frankly, if we are going to invest as much authority in the Goals Panel to make important decisions as this bill provides, then I think we need to define exactly how the members of the panel make those decisions.

My amendment is very simple: It states that in making final decisions, the Goals Panel shall operate on the principle of consensus. In the event that a vote is required to reach a final decision, a three-quarters vote by members present and voting is required. I think these are reasonable parameters to set for the panel, especially with the importance of its role.

My second amendment refers to the national report card that this legislation asks the Goals Panel to submit annually to the President. In the bill before us, we allow the Secretary to waive statutory requirements in six specific areas—such as chapter 1 and Eisenhower Math and Science, for example—if States believe that regulations within these statutes are impeding their ability to implement education reform.

This is an idea I support, as I hear often from educators who tell me they feel they are being strangled by regulatory redtape and are thus not able to perform their jobs to the fullest of their abilities. Frankly, I think we should allow States to waive other regulations that may be hindering their efforts, not just the six provided in the bill.

However, rather than adding to the bill other statutes and regulations that may be waived, I am simply asking that the Goals Panel, as part of the report card, revisit this issue each year, and identify actions that it believes should be taken to overcome statutory or regulatory impediments to education reform. I have worked with Senator JEFFORDS on a slight modification of this amendment, and I am pleased the bill now reflects the intent of this language by assigning this duty to the Secretary in his report to Congress.

Finally, my third amendment amends the provision relating to the opportunity-to-learn development grant first by adding language allowing NESIC to consider unsolicited proposals when determining whom will receive OTL development grants. This amendment also clarifies that more than one grant is to be awarded under this provision. I have been informed

that the committee has always intended for more than one award to be issued, and this amendment makes this intention clear.

Mr. President, I believe we can—and should—make a determined effort to ensure we pass a good bill and a bill which, unlike our efforts in 1992, will return from conference in a recognizable form. I know all of us in this body are committed to doing so.

I want to thank the members of the Education Subcommittee for their efforts on this bill and their willingness to accommodate on my amendments. I am encouraged by the debate we have had so far, and I look forward to enacting meaningful and responsible reform during this Congress.

The PRESIDING OFFICER. Under the previous order the clerk will read S. 1361 for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WALLOP. Mr. President, yes there are problems in education. Federal Government control is not the solution to these problems. We cannot belittle the troubles that plague our children's schools, but a $400 million Federal Band-aid is going to fix nothing and harm everything. Goals 2000 will not fix education but it will complicate it. The most likely result of this new Federal intrusion will be irreparable damage to the entire education community in this country.

Our schools need our help. Our students are facing problems and situations today that none of us ever encountered. But by and large they are more the fault of Government policy. Many public schools are facing dramatic difficulties, and the congressional knee-jerk reaction is: "If only we give more money, everything will be fine." Mr. President, that is simply not true. Money can help a world of woes, but it won't buy quality. Like virtually every other sector in this country which the Federal Government touches, the educational structure is flabby from Federal pork.

This legislation comes as a surprise. All I have been hearing about during my years here in the Senate, in public life before coming to Washington, was that Americans want less Federal intervention in their lives—not more. And here we are talking about giving the Government even more control over the basic education programs of our children.

This bill is yet another step in the Federal Government's takeover of education in general. Sure, the bill's proponents repeat over and over again, "It's voluntary, voluntary, voluntary." I say it is the large Federal camel's nose in history.

The claim that Goals 2000 is voluntary is without merit. Any schools will dance for the piper with more money. Waving a $400 million carrot in front of school noses and promising that the control will stay in school hands is just plain fatuous. It is already mandatory for the States to jump through hoops and dance jigs in order to get Federal funds. There are strict guidelines in the grant programs that must be adhered to, or the money is withheld. Who supposes this will be different?

Once the States submit educational plans and have them approved by the National Education Goals Panel or the National Education Standards Improvement Council or the Secretary of Education or whoever, and receive their stipend, they are hooked. They will be obligated to the Federal Government to do whatever the Government directs them to do. There is absolutely nothing in here that keeps the Government from changing course midstream. Once the schools are dependent on the funds from Goals 2000, they will have no choice but to comply. We do not need the Government "Nanny" directing how we raise and educate our children. Our children and parents need more support and freedom, not mandates.

Mr. President, I urge my colleagues to oppose this legislation on its face. The promise of more money to our schools through this desirous method is repugnant; $400 million split among 50 States, the District of Columbia, and all our territories, let alone how much is actually appropriated after the bill goes to conference, will amount to little help, but the States will be tied to it forever. The "National School Board" will have arrived.

This is coercion, Mr. President, and I will not support it. This is not the solution. Accountability is the solution—accountability to our parents, accountability to our children—not accountability to the National Education Association or the Department of Education.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, have the yeas and nays on final passage been ordered?

The PRESIDING OFFICER. The Chair would advise the Senator that they have been ordered.

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

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

Mr. KENNEDY. Mr. President, I expect very shortly we will be having the final vote on the Goals 2000. I thought I would just report to the Senate what the administration intends to do in the outyears.

This current year, subject to authorization, Goals 2000 will receive $100 million. After the conference, which I think can be worked out very quickly, we will be able to implement the program. Under the President's budget, which we have now, the President has indicated that Goals 2000 funding would be increased to $700 million in 1995 and $1 billion in 1996, 1997, and 1998. That would be $3.8 billion over 5 years in terms of support for education reform. I do not mean support from the top. Those grants will go primarily to schools and school districts across this country.

I believe that is a very, very significant commitment toward achieving the goals in the legislation and toward real school reform.

When you take the increase in the Head Start Program, which is going to be some $700 million; the increase in the Chapter 1 Program, which is an additional $700 million; the $300 million increase for Chapter 2, which would basically go to training programs for teachers, focusing on teacher education and upgrading teachers' skills—all this is a major, major commitment by the administration to education programs.

So, this is a very important day in the life of the education of this country. I just want, once again, to extend our great appreciation for the strong bipartisan support we had in our committee and here on the floor, and to thank, in particular, Senator JEFFORDS, Senator KASSEBAUM, and our associate, Senator PELL, who is the chairman of the Education Committee who has been a tireless advocate for these kinds of reforms and a number of others over many years.

It is important for our local schools to understand, for parents to understand, for students to understand, for school boards and principals and supervisors to understand, and for those who have responsibility in the States for leading education, as well as the Governors, to understand that this is really a dramatic commitment by the President and the administration and the Congress to put education issues on the front burner of the American agenda.

I think this is extremely important. I agree with those—and I note the Senator from Vermont is on the floor—who believe we have to do even more in terms of investing in our young people than even this commitment. But I do think we are making an extremely important downpayment on what I hope will be an increased commitment of resources to quality education for the young people of this country.

We now look forward to working to make sure that this legislation achieves the objectives which we have

advanced in the committee and on the floor during these past days of debate.

I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Massachusetts for the incredible work on this bill. As he has stated, we have established a needed framework or at least the groundwork to create the framework for education reform in this country. What we have done today could turn out to be one of the most important days in the history of this country if we fulfill our commitment to follow up with the plans that are laid and follow through with the resources that are necessary to accomplish the goals which we have established.

So I look forward to working with my good friend in my neighboring State of Massachusetts to make sure we do continue on this path towards alleviating an incredible crisis in this Nation in the field of education which is related directly to our ability to compete in the world of the future and to increase the standard of living and to help all of our people have a better life.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. Leaders' time was reserved; the Senator is correct.

SALUTE TO WAYNE ANGELL

Mr. DOLE. Mr. President, as Republican leader, I have had the opportunity to recommend a number of outstanding Americans for appointments in various administrations.

And no doubt about it, one of the recommendations in which I have always taken great pride was to name Wayne Angell to the Federal Reserve Board.

When Wayne Angell leaves the Federal Reserve Board on February 10, he will leave behind an 8-year record as a voice for low inflation, low interest rates, and common sense.

As the Wichita Eagle wrote this week, "For Wayne Angell, self-reliance is preferable to government programs; markets generally regulate themselves better than do governments; and prosperity is more likely to ensue when the impulse to tax is restrained."

I am proud to say that Wayne Angell learned those lessons in Kansas. He was born in Liberal, KS, and received degrees from Ottawa University and Kansas University. Before coming to the Fed, Wayne had been an educator, a banker, a small businessman, a State legislator, and a farmer.

In fact, when he was appointed to the Federal Reserve by President Ronald Reagan in 1985, Governor Angell became the only farmer and the only small banker to serve on this distinguished panel.

Among those who watch the Federal Reserve closely, Wayne has earned a reputation as an inflation hawk who strove to make the dollar as good as gold, and as someone who helped bring both inflation and interest rates to the lowest levels in a generation.

There is little doubt among economists that low interest rates were the primary force pushing the economy forward in 1993.

The millions of Americans who took advantage of these low rates to purchase a first home or refinance their mortgage owe Governor Angell a debt of gratitude.

Mr. President, Wayne D. Angell has done an excellent job at the Federal Reserve. And I know that whatever road Wayne takes in the future, he will continue to make a positive difference in the life of Kansas, and the life of America.

I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1836 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO LISA FRICK

Mr. DOLE. Mr. President, I would like to take a moment to recognize a member of my staff, Lisa Frick, who has recently moved to the private sector. Lisa is a native of Scott City, KS, and the daughter of Jack and Linda Frick. Lisa served ably in my personal office for almost 4 years. In that time, she worked tirelessly to assist Kansans and respond to their concerns. She put in long hours and became well known to the Kansans she spoke with as someone who listened and took their views seriously.

Lisa has joined the Independent Petroleum Producers Association. I know that she will bring the same dedication and good Kansas sense to her new job as she demonstrated in my office, and I wish her the very best of luck.

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

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

The bill clerk proceeded to call the roll.

Mr. MITCHELL. 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. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

CONCERNING JENNIFER SCOTT SMITH

Mr. BOREN. Mr. President, I did not want this day to pass without mention of 28-year-old Jennifer Scott Smith, a young Oklahoman whom I had the pleasure of meeting in my office in early August 1993. A 1983 graduate of Norman High School in Norman, OK, Jennifer attended the Air Force Academy for 2 years before entering the University of Oklahoma School of Engineering. She graduated with a degree in mechanical engineering. After working 3 years with Andersen Consulting, she decided to do graduate work at the University of Maryland.

When Jennifer and I met last summer, she spoke openly and bravely about her battle with cancer. I was impressed with her courage and determination to beat the odds. She was bright and witty, and certainly a fine example of the young Oklahoma citizens whom I represent on a daily basis in the Nation's Capitol.

Last Saturday evening, Jennifer Smith lost her battle with cancer. Her young life will be celebrated today in Norman. On behalf of her many friends and acquaintances and the State of Oklahoma, I offer heartfelt sympathy to her mother Jean and her father, Eddie Carol Smith, dean of the graduate school at the University of Oklahoma.

SHIFTING MONEY TO HELP POOR STUDENTS

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues an editorial which appeared in the New York Times last week. The editorial is in regard to the formula for the chapter 1 program, established under the Elementary and Secondary Education Act of 1965 [ESEA]. Chapter 1, which serves over 5½ million children at $6.9 billion, will be reauthorized this year.

There will be many important issues related to that reauthorization, but perhaps none will be more difficult to resolve than changes to the chapter 1 formula. While I wish that our resources were unlimited and that we could serve every chapter 1-eligible child, I am afraid the harsh reality is

quite the opposite. We are confronted with severe fiscal restraints, and the unpleasant truth is that funding will not reach the levels I am sure we all believe are necessary.

In that regard, it is crucial, perhaps now more than ever before, that Federal legislation be carefully crafted and better targeted so that programs will reach the neediest of children in the neediest of areas. If chapter 1 is to fulfill its promise during these austere budgetary times, then as the New York Times editorial encourages, dollars must be targeted in greater amounts on fewer students.

Mr. President, I encourage my colleagues to take a moment to read the New York Times editorial and ask unanimous consent that its full text be printed at this point in the RECORD.

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

[From the New York Times, Feb. 1, 1994]

SHIFTING MONEY TO HELP POOR STUDENTS

The Federal program aimed at improving basic academic skills of low-income children, known as Chapter 1, needs major revision. Over the years, its funds have been spread too thin and fail to help many of the neediest students.

The Clinton Administration has put forth a sensible plan to concentrate more money on the most disadvantaged students. As Congress begins marking up the bill this week, it should follow the Administration's lead—and go even further.

Since 1965 the program has provided remedial instruction in reading, language and math to lower-income students. It currently covers more than five million students in two-thirds of the nation's schools. But in the last year, three separate studies have suggested changes to improve the program's success.

Typically, students are pulled out of regular classes to attend remedial classes for 30 minutes. Too often, they then fall behind in their regular classes. The reports recommended fewer remedial classes and more emphasis in regular classes on critical thinking and analytical skills. They also suggested improvements in teacher training, student evaluations and health and social services for needy students.

The biggest issue before a House education subcommittee this week involves funding. Schools receiving Chapter 1 dollars are spread out in 95 percent of the nation's school districts. The Administration proposes new formulas in the $6 billion program that would shift money from some areas with low concentrations of poor students, including Montana, Nebraska and Maine, to cities like New York, Los Angeles and Detroit with high concentrations of poor children.

Even with the proposed shifts, many schools will still be too short of funds to meet the higher academic standards the Administration suggests. They may need extra money to ensure that students have realistic opportunities to learn.

Many members of Congress may be reluctant to see Federal education dollars transferred from their home districts. But the clearest Federal role in education is to equalize opportunity. Chapter 1 can only fulfill that mission if it is revamped.

CAROLYN C. ROBERTS

Mr. LEAHY. Mr. President, all of Vermont shared a proud moment on January 31, when Carolyn Roberts, president and chief executive officer of Copley Health System in Morrisville, VT, was sworn in as chair of the American Hospital Association's Board of Trustees. I can think of no person more qualified or better prepared to lead hospitals during this year of intense debate about how best to reform our Nation's health care system.

Over the years, Carolyn has shared with me, her ideas on improving the way we deliver health care, particularly in rural areas, and I have come to rely on her expertise to guide me in health care issues. I always have been impressed that Carolyn never loses sight of what health care is all about—taking care of people.

Recently, she testified at a hearing of my Judiciary Subcommittee on Technology and the Law on the information and privacy aspects of President Clinton's Health Security Act. I look forward to working with Carolyn on this and other issues central to the reform debate.

Carolyn is my adviser and my friend. I wish her the very best in the coming year.

Mr. President, I ask unanimous consent that the following description of Carolyn Roberts from the program for her investiture ceremony be printed in the RECORD.

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

INVESTITURE PROGRAM

Presiding Officer, Larry L. Mathis, Speaker, House of Delegates.

Call to order, Larry L. Mathis.

Invocation, The Reverend Edward J. Mahoney, Ph.D., St. Michael's College, Winooski, VT.

Concert, University Choral Union and Jon Gailmor, Burlington, VT, directed by James Chapman.

Introduction of Officers of State Hospital Associations, Larry L. Mathis.

Investiture of Chair, Board of Trustees, Michael P. Guerin, AHA Secretary.

Chair's Inaugural Address, Carolyn C. Roberts.

Reception, Honoring Chair, Carolyn C. Roberts, Crystal Ballroom.

Integrity, intelligence, intensity, these characteristics only begin to capture the whirlwind of excitement and vibrant energy that is Carolyn Roberts. A forceful and committed health care leader with a deep devotion to health care needs of communities, she is known and respected for her great enthusiasm, dedication, and outside-the-lines thinking—a combination that makes her the master of accomplishing the nearly impossible.

Her vision of health care reform is strongly patient- and community-centered with a long-held commitment to restructuring the delivery system.

In Copley Hospital, Carolyn has fostered an institution both innovative and warmly comforting, bolstered by her foresight and farreaching strategic thinking. Set in somewhat isolated northcentral Vermont and about 35 miles from neighboring hospitals, 54-bed Copley Hospital under Carolyn's leadership has become a model of collaboration. In addition to forming a rural health consortium in the 1980s, Copley Hospital has also led state-level initiatives on quality, data, and ethics and has received numerous grants to study opportunities to improve care in rural areas. In 1987, Copley Hospital was co-winner of the prestigious Foster G. McGaw Prize for its community services and innovation in rural health care and housing for the elderly. Carolyn's professional experience spans research and management in urban teaching centers, giving her the knowledge and insights to foster collaboration across the continuum.

As one who understands that being a good listener is basic to good leadership, Carolyn radiates caring and a profound sense of valuing each person and each idea. Colleagues respect her openness, acumen, and judgment on difficult issues, as well as her natural leadership skills and sense of humor. Carolyn was named the 1987 Health Care Executive of the Year by the American Academy of Medical Administrators and is also active in numerous other professional organizations. Actively promoting leadership opportunities for women, she is a founding member of Health Alliance and long-term executive committee member of Women's Healthcare Forum.

In leisure time, she golfs, does needlework holds her own in a season-long football pool with husband Ed Connors, and regularly wins their perpetual cribbage competition. Her office at Copley Hospital is crammed with black-and-white spotted Holstein memorabilia, a tribute to Vermont's dairy cows. Son Mark and wife Kaylee are close by in Morrisville, with their two children, Cynthia, 6, and Sam, 5. Daughter Deanna and her husband, Michael Hazeltine, live in Southboro, Massachusetts, with 6-year-old Stephen and 4-year-old Erin. Together, Carolyn and Ed have eleven grandchildren—a full and sometimes hectic family life.

Carolyn is a leader of many accomplishments, in Copley Hospital, Vermont, and in the nation. And maybe one clue to understanding her success can be found in her hopeless addiction to cloud-watching. Carolyn is captured by the swirls, colors, shapes, and textures of clouds. In clouds, as in personal and professional life, Carolyn Roberts finds hidden possibilities and sees broad and deep meanings. And in life and health care, as in clouds, she finds excitement, energy, and vision.

DISABILITY PAYMENTS TO DRUG ADDICTS AND ALCOHOLICS

Mr. COHEN. Mr. President, the President of the United States has just submitted a $1.52 trillion budget proposal to Congress and this week will introduce his drug strategy plan. We will soon start rolling up our sleeves to hammer out the details of major health care reform proposals—and will then turn to the rather large task of reforming our Nation's welfare system.

While there will be many solutions proposed to these problems of crime, drugs, health care, and welfare, I rise today to report to my colleagues on one way that we can make a dent in each of these problems facing our Nation today.

Stop giving drug dealers and drug addicts cash to buy more drugs. Absurd as it must seem to hardworking Americans who see more and more of their paychecks going to taxes, and to severely disabled persons who truly need assistance, we are now paying over a billion dollars a year in disability payments to drug addicts and alcoholics—many of whom are using taxpayer dollars to buy more drugs and alcohol.

For the past several months, my staff on the Senate Special Committee on Aging has been investigating the payment of Social Security disability benefits to drug addicts and alcoholics. As part of this investigation, I asked the GAO to review the adequacy of the Social Security Administration's program for SSI and DI recipients who are drug addicts and alcoholics [DA&A].

FINDINGS

The current policy of allowing addicts and alcoholics to use disability payments to turn around and buy more drugs and alcohol seriously undermines our efforts to combat crime, promote preventive health care, and reform our welfare system. In addition to wasting taxpayer dollars, the current situation hurts the addicts themselves—and only perpetuates drug and alcohol abuse.

We found that:

The word on the street is that SSI gives easy cash for drugs and alcohol.

The director of a homeless shelter in Denver told staff investigators that SSI is, in effect "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for followup or treatment. He maintains that the first day of every month is considered Christmas Day by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

An expert who works with drug abusers and alcoholics compared the policy of giving addicts cash to "giving someone on disability because of cancer a monthly injection of cancer cells."

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about 99.5 percent SSI recipients. He said that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming."

In San Francisco, a drug addict used his disability benefits to buy high-grade drugs, diluted these into small doses, and realized huge profits by reselling them on the street.

In our investigation, we heard several allegations that the current disability process has spawned a cottage industry of clinics, attorney representatives, and doctors who help abusers get on the disability rolls.

Another major finding is that lump sum disability benefits of thousands of dollars are being paid to substance abusers who are using these funds to buy drugs and alcohol.

Since it frequently takes a year or longer to be awarded benefits for SSI and DI, lump sums as high as $15,000 to $20,000 can be awarded to substance abusers. For example:

An SSI applicant alleging drug addiction was found disabled and then died of a lethal drug overdose purchased with thousands of dollars of unrestricted retroactive benefits.

An SSI and DI recipient with a history of drug abuse was awarded retroactive benefits of $19,000. He went directly to Las Vegas and proceeded to purchase cocaine, using up all of his money.

We know directly that some recipients are dealing drugs but we still pay them.

The Ninth Circuit Court of Appeals ruled last week that under the current law governing the SSI program, active drug dealing is not enough to deny disability benefits.

So even if you are dealing in drugs that is not enough to stop the flow of taxpayer money going to that individual. I would like to try to explain that one to the American taxpayer.

The protections that are supposed to exist in the program have failed.

Congress required that drug abusers and alcoholics comply with two requirements in order to get disability and SSI benefits:

They must have treatment and have a third party, either a friend, relative, or an institution manage the payments on their behalf.

Both of these protections have failed.

Up until last month, the Social Security Administration had set up programs to monitor and enforce the treatment requirement in only 18 States. In fact, 26 States had never had an agency approved by SSA to monitor treatment.

Fewer than one-third of the approximately 250,000 drug addicts and alcoholics are even required to get treatment or have someone else collect their benefits for them.

Of the $1.4 billion in benefits flowing to drug addicts and alcoholics on the SSI and disability programs, only $320 million of these payments are even covered by these protections. So, over $1.1 billion in payments are exposed to widespread abuse—with no controls in place.

There are widespread problems in the collection of payments by third parties on behalf of the drug and alcohol abusers—in fact, we found cases where the bartender, the local drug dealer, or another addict was appointed as the guardian of the payments.

Mr. President, this simply cannot be allowed to continue, that we are making payments directly to local bartenders, or to other drug addicts to collect the money who then go out and buy more alcohol and more drugs. It is an intolerable situation. Soon I will be introducing legislation that I think we can take corrective action very quickly and very simply to stop the flow of money going to this type of abuse.

Mr. President, I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, February 7, the Federal debt stood at $4,517,324,862,004.37, meaning that on a per capita basis, every man, woman and child in America owes $17,326.94 as his or her share of that debt.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

UNITED STATES-JAPAN FRAMEWORK INSURANCE TALKS

Mr. MURKOWSKI. Mr. President, as President Clinton prepares for his summit with Prime Minister Hosokawa later this week, I want to make several points about the framework negotiations on insurance. First and foremost, the United States must not accept an agreement which fails to provide genuine competitive opportunities for American companies in Japan. An agreement for its own sake would be a serious mistake, and unacceptable to this Senator. A bad agreement would be worse than no agreement at all.

It is critical for the administration to follow through on its publicly stated goal of a results-oriented insurance agreement with Japan. The MOF and Japanese insurance companies must understand that our Government's support for the United States insurance industry is real. The Japanese Government and insurance companies must no longer be allowed to discriminate with impunity against United States insurance interests.

Foreign insurance companies currently hold less than 3 percent of Japan's market. In other OECD countries, the foreign share is at least 10 percent, and up to 33 percent. If Japan's insurance deregulation program is to be truly meaningful, foreign firms must be allowed to compete in a fair manner, and the limited progress made to date by foreign firms must not be sacrificed in the name of deregulation. On the contrary, this progress should be fostered, so Japanese consumers, both individual and corporations, can enjoy the benefits that deregulation is intended to generate.

The consequences of these negotiations will reach beyond Japan to elsewhere in Asia. Other Asian governments will take note of the serious support by our Government for industry objectives across the region.

We cannot afford to wait as long as we did on the construction industry issue in Japan. My experience there suggests that real progress can be made on difficult access problems when a serious approach is taken. Reforms will benefit both economies and underscore that Japan is serious about reducing its trade imbalance with America.

Further, Japan has suggested the United States is trying to manage trade. It is disingenuous for Japan, of all countries, to suggest the United States is somehow threatening fundamental market economics. The allegation is a red herring. Rather, the United States is simply trying to establish benchmarks to determine whether an agreement is achieving its objectives, something the Japanese should favor.

READY TO LEARN ACT

Mr. KENNEDY. Mr. President, when E.B. White first saw television in 1938, he said he hoped it would be "a saving radiance in the sky." By including $10 million for the Ready To Learn Act in the fiscal year 1995 budget, President Clinton has taken an important step toward achieving that dream.

The Ready To Learn Act, passed by Congress in 1992, mobilizes the power of television to deal with one of our most pervasive national problems: children entering school who are not ready to learn. The crisis is staggering. According to a study by the Carnegie Foundation for the Advancement of Teaching, 35 percent of the country's children do not enter school ready to learn.

The Ready To Learn Act addresses this problem by promoting the development of educational TV programming to prepare children for the classroom. It also offers training workbooks for teachers and parents, and uses telecommunications technology to bring such programming to isolated or disadvantaged communities throughout the country.

Last month, I visited one of the leading PBS affiliates in the country, WGBH in Boston. Head Start counsellors from 11 cities across the country had come for training on how to use educational TV programming to improve children's academic readiness. Numerous educational programs, such as "Where in the World is Carmen Sandiego," have been developed at WGBH to serve children's educational needs. The Ready To Learn Act will build on such progress, and play a significant role in school reform.

It is appropriate that as the Senate acts today on two major new education initiatives—the Goals 2000 bill and the school-to-work bill—President Clinton's budget demonstrates the administration's high priority on this aspect of education as well. Last year, the Corporation for Public Broadcasting received $7 million in forward funding for fiscal year 1996 for Ready To Learn programming. Now, in his current budget, the President has strengthened and accelerated that commitment.

I commend the President for his action, and I look forward to working with the administration to fulfill the great potential of this legislation.

UNFUNDED MANDATES AND THE AMERICANS WITH DISABILITIES ACT

Mr. METZENBAUM. Mr. President, I rise today to address the issue of unfunded mandates.

This has become a hot topic these days. I have heard many reports about State and local governments complaining about Federal statutes such as the Safe Drinking Water Act and the Clean Air Act. Local officials complain that they do not have the funds in their budgets to comply with the requirements of these laws.

I can understand their frustration. Stretching tight dollars for necessary programs has become the standard operating procedure around here. But, I am also particularly troubled by the comments and complaints about one statute, the Americans With Disabilities Act.

When this legislation was passed 4 years ago, it was hailed as a landmark civil rights bill. It secured fundamental and basic civil rights for the estimated 43 million Americans with physical or mental disabilities. Under the Americans With Disabilities Act [ADA], employer discrimination against persons with disabilities would become a thing of the past.

A person in a wheelchair would have the same access to a public building as any other citizen. A disabled person would no longer face exclusion and segregation; inclusion in mainstream society would no longer remain an elusive dream, but would be an attainable goal. And yet, the Americans who have struggled with disabilities, discrimination, and often the callous disregard of society, now hear the chorus of those on the unfunded mandate bandwagon that the ADA is an unfair burden.

On one news broadcast, a mayor of a large city in my State complained that the citizens of his community may have to do without some services because of the cost of complying with the ADA. Well, some citizens in some communities around the country have gone without services for the past 20 years because they were disabled.

They have been the ones who have gone without access to city hall. They have been the ones who have been passed by when the bus came down the street. They have been the ones who have borne their share of unfair burdens. And now, after they have been empowered under the ADA to gain access to public buildings and gain access to Government services, the local and State governments are starting to balk at implementing the act.

Some officials want Congress to scale back the act. Some officials have even complained that they will implement the act when Congress appropriates funds for it. Well, to be frank, we have been providing funding for many of these communities for the past 20 years.

Under the antidiscrimination provisions of the Rehabilitation Act of 1973, any public or private entity that received public funds had to be accessible to the disabled. So, for 20 years, many of these communities have received funds that could have been used to make services available for the disabled. Some advocates for the disabled community have even suggested that the State and local governments would not face the costs of implementing the ADA, if they had complied with section 504 of the Rehabilitation Act beginning in 1973.

However, we should not lose sight of the principal character and mission of the ADA in talking about how funds are available and how past funds were spent. The Americans With Disabilities Act is a civil rights bill. For many Americans who struggle every day with a disability, the passage of the ADA was a breath of fresh air. It has given hope to those who have been excluded from society.

In his report on reinventing government, Vice President GORE has taken a strong stance on unfunded mandates. While I appreciate his concern and will work with him to accomplish many of the goals in his report, I hope that the ADA will be considered not just another unfunded mandate, but the landmark civil rights legislation that it truly is.

I want to make my position clear on this subject. In the coming months, as unfunded mandates are debated on the floor of the Senate, I will not stand by if basic and fundamental rights for disabled Americans are denigrated in the name of saving a few dollars. Disabled citizens of our Nation have waited too long for rights provided by the ADA to see those rights swept away in the rhetoric against unfunded mandates.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, last week, I delivered my first weekly report to the Senate on the number of homicides by gunshot in New York City. I rise again today to announce that last week, there were 23 such homicides in the city of New York.

Mr. President, we are in the midst of a public health epidemic. These often random killings will continue unless we restrict or heavily tax handgun ammunition. Not ammunition used primarily to hunt or for target practice.

But rounds used by drug dealers, rounds that emergency room doctors must remove from the bleeding bodies of gunshot victims, rounds that injure, rounds that maim, rounds that kill.

Some opponents of ammunition or handgun control assert that ownership of a handgun could very well thwart an attempted burglary, homicide, rape, or assault. This could not be further from the truth.

According to New York Newsday, at 11:45 p.m. on Tuesday, January 25, 1994, Mr. Ray Simms "was shot twice in the side with his own gun after he shot his landlord during a dispute over heat in his building. * * * Simms died later at Harlem Hospital Center." Killed with his own gun, Mr. President. None of us know why Mr. Simms had purchased this gun. But what a tragic irony indeed if he did buy it for protection. According to the October 7, 1993 issue of the New England Journal of Medicine, keeping a firearm in the home is associated with a risk of homicide nearly three times as high. Simms' death, sadly, illustrates this point.

Mr. President, following the President's Day recess, I will again report to the Senate on the number of persons killed in New York City by gunshot. There will probably be 40 or so victims. And we will continue to do nothing as more and more people will die.

We must take action now and ban the most nefarious rounds and tax others. We must act to save lives.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask that the Senate resume consideration of S. 1150.

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

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the immediate consideration of H.R. 1804, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certification; and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 1804 is stricken and the text of S. 1150 is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 5 p.m. today, the Senate proceed to executive session to vote on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, Executive Calendar Order No. 536; and that, if confirmed, the President be notified of the Senate's action.

I further ask unanimous consent that following the vote on Executive Calendar Order No. 536, the Senate proceed to the en bloc consideration of the following nominations:

K. Terry Dornbush, to be Ambassador to the Kingdom of the Netherlands, Executive Calendar Order No. 531; Thomas L. Siebert, to be Ambassador to Sweden, Executive Calendar Order No. 534; Sidney Williams, to be Ambassador to the Commonwealth of the Bahamas, Executive Calendar Order No. 535; and nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that at that time the nominees be confirmed en bloc; that any statements appear in the RECORD as read; that the motions to reconsider be tabled, en bloc; that the President be notified of the Senate's action; that the Senate return to legislative session, and then vote, without any intervening action or debate, on final passage of H.R. 1804, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent, as if in executive session, that it now be in order to request the yeas and nays on the Lawrence nomination.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now 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.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, pursuant to the agreement just approved, there will be two rollcall votes beginning at 5 p.m. this evening. There will be no further rollcall votes today after that.

The Senate, tomorrow, providing that consent is obtained—which I hope it will be—will proceed to consideration of the emergency supplemental appropriations bill, which the Senate Appropriations Committee is expected to complete action on shortly.

The votes at 5 p.m. today will be first on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, and then, following consent action not requiring recorded votes on a series of other nominations which I have just stated, the Senate will vote by rollcall in a record vote on final passage of H.R. 1804, which is the Goals 2000 education bill.

So there will be two record votes, not immediately back to back, but the second one will follow closely after the first one at 5 p.m., and there will be no further rollcall votes today after that.

Mr. President, I thank my colleagues for their cooperation and I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

WHITEWATER

Mr. D'AMATO. Mr. President, today is February 8. We can mark off one more day in the Whitewater/Madison County. There are only 20 days remaining until February 28.

While we say we have 20 days remaining, in essence, as it relates to business days that we may be in session, it is a lot less. It is, at the most, 7 days: February 9, 10, and if we are in session, the 11th, because we go out and do not come back until the 22d. So that would then be 5, 6, 7—8 business days. And we have not gotten a response yet as it relates to the status of the statute of limitations which will run out on February 28.

Again, the Senator says the statute of limitations, people do not really understand. What that means is once that date is reached, the 28th, anyone who might have liability as it relates to the failure of this institution, which cost the taxpayers $47 million, will no longer have liability unless two things are achieved: First, a tolling agree-

ment is obtained. That is something that is done regularly in these cases. That is not extraordinary. So what we are asking of the RTC is: Are you undertaking the tolling agreement that you do regularly? And, second, if not: Will you be undertaking, then, a suit against those people who have potential liability, to protect the taxpayers and thereby find additional opportunity to refine the lawsuit and, in essence, toll the statute?

I have to say, the RTC's response to date is one of obfuscation. In the two letters we have sent to them, they have really failed to answer the question directly: Is this the last day? We believe it is, February 28. Second, are you seeking these tolling agreements? If you are not, why are you not and will you be commencing action against those people who might have liability before the statute of limitations runs out?

That is why I and a number of my colleagues, 40 Senators at this time have joined with me in sending a letter today to the interim RTC Chief, and that is Mr. Altman. Thirty-nine of my colleagues have joined me. We have requested a prompt and comprehensive response from the RTC.

Under ordinary circumstances, one might believe that a prompt response would be forthcoming. I am somewhat doubtful. I believe we are getting the old "four-corner stall". This is being viewed as a game. I think we call it stonewalling. That is what is taking place. Indeed, Mr. Altman has an obligation, notwithstanding his tremendous responsibilities as Deputy Secretary of the Treasury, to respond to us because he is the interim Chief, by the way, of the RTC. We do not have a head of the RTC. He is the acting Chief. And that raises some other very interesting and difficult questions.

Can a man who is appointed by another person allow the kind of review necessary and make a recommendation that may impact upon the appointing official? I think it is very, very doubtful if that can be done without there being a tremendous burden placed on that person. One that ethically and morally should not be placed on Mr. Altman. It is wrong. But that is exactly and precisely what we have today.

Mr. MURKOWSKI. I wonder, Mr. President, if the Senator from New York will yield for a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. First, let me compliment him for his efforts in generating the signatures of 40 Senators on the letter to Mr. Altman.

But I wonder if I could inquire of the distinguished ranking member of the Banking Committee specifically whether or not there is an oversight board at the RTC that determines strategies and suggests policies to the Chief Executive Officer; in this case, the acting Chief, Mr. Altman?

Mr. D'AMATO. There is such a board. It is known as the Thrift Depositor Protection Oversight Board.

Mr. MURKOWSKI. Can the Senator give us an idea of who the members of the board are and what the status and authority of the board might be?

Mr. D'AMATO. I can. By statute there are seven members of the board. They consist of the Secretary of the Treasury, Lloyd Bentsen; the Federal Reserve Chairman, Alan Greenspan; the Director of the Office of Thrift Supervision—we now have an acting Director; the Chairman of the FDIC—we have an acting Chairman there; and Chief Executive Officer of the RTC—in this case, that is Mr. Altman, who is the interim CEO.

In addition to those five members, there are two independent members. Neither of these posts are filled. They are presently vacant, the post of the two independent members.

Mr. MURKOWSKI. The Senator from New York has indicated there are two members, the Director of the Office of Thrift Supervision and the CEO of RTC, who have not been confirmed in their posts. And the independent members as well. Two of those have not been appointed.

I wonder if the Senator from New York has any idea as to why these posts have not been filled by permanent appointees?

Mr. D'AMATO. I cannot answer that question. There are four vacancies. I know there have been difficulties with one of them, the filling of one of those posts and nomination for another of these is pending. But why the other two independents have not been filled, I have no reason. I think for the board to be fully functional, to have the kind of review necessary and encompassed by the statute, certainly those posts should be filled.

Mr. MURKOWSKI. I wonder, it is my understanding that this board has broad authority relating to the overall direction the RTC takes. For instance, the board is authorized to review the RTC's overall strategies, policies, and goals for resolution of various cases, and cases that may require the modification of such strategies. This board obviously has some authority in policymaking, to communicate to the Chief Executive Officer of RTC.

Mr. D'AMATO. That is correct. It does have the ability to set that. Indeed, that is its goal, not only to review but set policy.

I note the RTC itself is authorized to take whatever actions it deems appropriate with respect to individual cases and their resolution, without the approval or disapproval of the board.

Mr. MURKOWSKI. So, in other words, the RTC could determine in this case to seek a tolling of the statute of limitations in the Madison case without having to gain the approval of the oversight board? That is within the authority of the Chief Executive Officer, Mr. Altman? Or it appears to be?

Mr. D'AMATO. That is correct. The oversight board sets a general strategy for the RTC, but the RTC operates on a case-by-case basis, without having to seek approval of the board.

Mr. MURKOWSKI. Further, it is my understanding that the oversight board may issue rules and regulations and standards consistent with its responsibilities in setting policies and goals for case resolution.

In Mr. Altman's February 1 letter to the Senator, he indicated that the RTC would pursue all appropriate remedies, using "standard procedures." That would suggest to me it is a standard procedure to seek tolling agreement in civil proceedings seeking a recovery of taxpayer funds. I think in this instance we are talking about something in the area of $47 million, or thereabouts. So would it not be fair to assume that the oversight board has rules that would require seeking tolling agreements in a case such as Madison?

Mr. D'AMATO. I know of no reason why the board could not establish standards pertaining to the RTC's use of tolling agreements, as well as other general litigation policies. But I think what we have here is a policy and a practice which has been followed in all of the matters; in all of these cases where the statute is running, tolling agreements are regularly sought.

Mr. MURKOWSKI. So this would not be an exception? This would be a conventional policy of RTC, to simply extend the tolling agreement or, in the event the RTC cannot obtain the tolling agreements, then the RTC could file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States, prior to the date of February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. That is the frustrating part. Here we are—at one point a half-dozen Senators; at another point a number of Senators and Congressmen—attempting to get from the RTC the answer and the facts.

What, if anything, are you doing to protect the interest of the taxpayers in this case? Are we looking to extend——

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

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business for another 10 minutes.

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

Mr. D'AMATO. I thank my colleagues and I thank the Chair.

What, if anything, are we doing to see to it, can we have an assurance that the tolling agreements are being sought or that in lieu of that, if they

are not able to get them from the various parties that might have liability, this being the case, if it is done regularly, then in that case that litigation would be commenced in order to protect the rights of the taxpayers.

The clock keeps ticking. It took us almost a month to get our second response. It is only because Chairman RIEGLE intervened, and we still have not gotten a satisfactory response. This Senator has now been forced to turn to colleagues, 39 of my colleagues have joined me—40 Senators—and we sent a letter today, which I will ask to be entered into the RECORD and read—although I know my colleague has another question.

Mr. MURKOWSKI. Prior to reading it, because I do not want to interrupt the continuity, the Senator from Alaska believes we should take a closer look at the operations of the oversight board and consider the appropriateness of contacting its members with regard to this case and the potential for tolling the statute of limitations.

Obviously, we do not have the assurance of Mr. Altman that he intends to do it. He, in effect, said he might do it. But it would appear that the board, which has a responsibility of setting policy, could make a recommendation or perhaps direct him to do it.

I am wondering if the Senator from New York is prepared to pursue this as an alternative avenue if, indeed, a positive response is not forthcoming from Mr. Altman relative to his intention to extend tolling on the statute of the limitations in the Madison case?

Mr. D'AMATO. It is my hope that the Banking Committee will have an oversight hearing prior to the February 28 deadline. Chairman RIEGLE has indicated he will hold hearings. I believe they have become almost academic. If we do not toll them prior to the 28th, that will put us into the week of the 22d.

I intend to raise this issue because, indeed, if we have not been satisfied that this case will be handled in the normal course, then I believe that it would be proper and correct for us to see if we could not get a determination from them instructing the RTC and setting down guidelines for them to see to it that they take the appropriate action to keep the statute from running out.

Mr. MURKOWSKI. As the Senator from New York has indicated, we are really up against some time realities here as you pointed out, to try and obtain the Senate Banking Committee's oversight hearings prior to February 28, knowing we have a recess that is going to be starting Friday of this week, which takes all of next week, and that leaves us just roughly 5 to 6 days in the last week of the month remaining.

Of course, the statute continues to go on and we continue to communicate with the chairman of the RTC. I encourage my colleague to consider the merits of directing a communique to the oversight board and perhaps copying the letters, the correspondence that has already been sent to Mr. Altman pleading for an extension of the tolling so that no one can say they were not notified who is in a position of responsibility.

Finally, let me commend my colleague, the Senator from New York and ranking member of the Banking Committee for his commitment to pursue this matter. I think it is his intention today to deliver or have delivered to the RTC the signature of 40 Senators that urge an extension of that tolling. I am sure it is the Senator's intention to put that in the RECORD and perhaps read that letter as well.

So just let me wind this up by indicating that I think what is being initiated here to try and generate action within the timeframe prior to February 28 is in the best interest, certainly of the taxpayers of this country, already seeing some $47 million—no small amount by any means—jeopardized by the action of Madison and the realization that Madison should be treated like any other S&L that has failed and the appropriate action by the RTC oversight board, as well as the chief executive officer, should be followed simply as a matter of standard procedure.

So I commend the Senator and thank him for his diligence in this matter.

Mr. D'AMATO. Let me thank my colleague and, indeed, I believe I will take that suggestion and see to it that a copy of our prior communication to Mr. Altman, as well as today's letter, be sent to the five members who are on the oversight board so that they understand that we will be seeking answers from them and maybe getting a decision from them and maybe they can contact Mr. Altman in regard to this.

Mr. President, I ask unanimous consent that a copy of the letter—I am not going to read it—we sent dated February 8, signed by 40 Senators, to Mr. Altman be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS,
Washington, DC, February 8, 1994.

Mr. ROGER ALTMAN,
President Interim and Chief Executive Officer, Resolution Trust Corporation, Washington, DC.

DEAR MR. ALTMAN: The RTC has acknowledged that the statute of limitations for any civil action arising from the failure of Madison Guaranty will run out on February 28. After February 28, the RTC will not be able to recover any more of the $47 million the taxpayers were forced to pay to close Madison.

The RTC took over Madison in 1989. Presumably, the RTC has thorough knowledge of the institution, the reasons for its failures and the individuals and activities that contributed to its demise. The RTC made a criminal referral to the Justice Department perhaps as early as October, 1992 based on its extensive information and investigation.

The RTC's inaction on the civil side is therefore even more disturbing. With the civil statute of limitations about to run out, the RTC must take action immediately. Unless the RTC takes actions, the rights of the American people to justice and financial recovery will be forfeited to a legal technicality.

Your February 1 letter offered assurances "that the Resolution Trust Corporation is conducting a thorough review of the potential civil claims it possesses as a result of the failure of Madison." Moreover, you stated that the RTC "will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to all the statute of limitations."

Beyond this general response, we are seeking specific answers to the following questions:

What is the RTC doing to obtain voluntary agreements to extend the statute of limitations from all potential defendants in the Madison/Whitewater matter beyond February 28, 1994?

In the event the RTC cannot obtain tolling agreements, will the RTC file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States prior to February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Will the RTC provide us with a complete report on the status and scope of its "thorough review" as soon as possible?

Time is of the essence. The RTC has had years to investigate Madison Guaranty; it should have complete knowledge of the situation and adequate legal foundation for any civil suits. It has only a week left to act and it should do so without further delay.

We must respectfully request that you respond fully and promptly to this letter.

Sincerely,

Lauch Faircloth; Alfonse D'Amato; Frank H. Murkowski; Robert F. Bennett; Don Nickles; Trent Lott; Thad Cochran; Strom Thurmond; Hank Brown; Bill Roth; Paul Coverdell; Arlen Specter; —— —— Connie Mack; Al Simpson; Nancy Landon Kassebaum; Richard G. Lugar; Judd Gregg; Conrad Burns; Dan Coats; Larry E. Craig; Chuck Grassley; Dirk Kempthorne; Bob Smith; Slade Gorton; John McCain; Jesse Helms; Larry Pressler; Kit Bond; Jim Jeffords; Dave Durenberger; Ted Stevens; Mitch McConnell; Malcolm Wallop; Peter V. Domenici; Orrin Hatch; John Danforth; John Warner; Bob Packwood; Bill Cohen; John H. Chafee.

Mr. D'AMATO. Mr. President, this letter will put several urgent questions to Mr. Altman and the RTC. Let me review them.

One. What is the RTC doing to obtain voluntary agreements to extend the statute of limitations beyond February 28 as it relates to all potential defendants or people who have possible liability in the Madison/Whitewater matter?

Two. If the RTC cannot obtain tolling agreements, will the RTC file an appropriate civil action against those who the RTC has reasonable cause to

believe may be liable to the taxpayers prior to the expiration of the statute of limitations?

Three. Will the RTC provide a complete report on the status and the scope of the thorough review described in the February 1 RTC letter to us as soon as possible?

Again, Mr. President, this is the third letter from Members of this body. It seeks answers to some basic questions. These basic questions must and should be answered.

The bottom line will be: Will American taxpayers see that all institutions are treated the same way, irrespective of where they are or who they are? That is the bottom line. As Sgt. Joe Friday said, "All we want are the facts."

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Does the Senator need to ask for a specific amount of time?

The PRESIDING OFFICER. Under a previous order, the Senator is authorized to speak for up to 10 minutes.

Mr. METZENBAUM. I ask unanimous consent that the time be extended to 15 minutes.

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

MADISON GUARANTY

Mr. METZENBAUM. Mr. President, last week I took the floor in response to some statements by the junior Senator from New York. I described my friend's daily speeches as getting "curiouser and curiouser," a description I lifted from a prominent work of literary fiction.

In fact, the Senator's daily speeches, in my opinion, each represent a chapter in a completely new and original work of fiction. I call it "ALFONSE in Wonderland."

Mr. D'AMATO. Mr. President, I make a point of personal privilege. I believe rule 19 has been violated. I would ask for a ruling from the Chair? I did not know we got into this business of describing a Senator's conduct in a manner using Senators' names in a pejorative way—"ALFONSE in Wonderland." I think that has crossed the line. I ask for a ruling.

The PRESIDING OFFICER. The ruling will be the Senators should address each other through the Chair and in the third person.

Mr. METZENBAUM. I certainly have done that.

Mr. D'AMATO. Mr. President, let me ask if it is appropriate——

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling from the Chair, is it appropriate to address somebody and refer to another colleague—

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

Mr. D'AMATO. Another colleague as "ALFONSE in Wonderland?" Now is that appropriate?

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

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling as it relates to the comments, and I will ask the clerk to read them back to the Chair. Was that not a violation of rule 19?

The PRESIDING OFFICER. The Senator will withhold until we get a ruling.

Mr. D'AMATO. Yes, I would like that.

The PRESIDING OFFICER. The Parliamentarian tells the Chair they need to do some research on this issue. During that time, the Senator from Ohio will continue to control the floor.

Mr. METZENBAUM. I thank the Chair.

Mr. D'AMATO. Thank you.

Mr. METZENBAUM. I might say to the Chair, I made no violation of the rules. I know the rules of the Senate. I just talked about certain speeches being what I think they are, "ALFONSE in Wonderland."

Day after day, the junior Senator, with furrowed brow, tells us of his heartfelt concern for the hapless taxpayer as the statute of limitations runs out in the Madison Guaranty matter.

He hints at dark motives on the part of RTC lawyers; he suggests possible wrongdoing on the part of prominent Arkansans; he alludes to serious improprieties committed by Government officials. He deplores the footdragging and delay that he imagines occurring in this investigation.

Quite an impressive set of concerns for somebody who for over 2 years never gave this suddenly grave matter a moment's notice. Quite a transformation from somebody who voted time and again to shield and protect from prosecution the very people he now describes as such nefarious characters.

Again, the Senator voted to prevent and preclude the Government from filing any civil charges whatsoever against anyone involved in the Madison failure. That is a fact. That is irrefutable. The Senator voted to close the door on this matter as many as three times over the past 2 years.

And the Senator must have known the effect of his actions. After all, the great paper from his home State, the New York Times, carried a front page story all about the Madison situation on March 7, 1992. Was there a flurry of speeches or a blizzard of letters from the Senator from New York at that time? Nothing. Here is the way the Senator from New York reacted to this news. He voted 3 weeks later to allow the statute of limitations in the Madison case to expire.

The Senator from New York voted to shield the directors and officers of Madison from all harm—as well as thousands of other S and L executives too numerous to mention.

Since then, the Senator has stepped through the looking glass, and into a whole new world.

Suddenly, the possible expiration of the statute of limitations became important to him—not across the board; not for all the savings and loans who have ripped off billions upon billions upon billions of dollars from the people of this country, but for one thrift: Madison Guaranty, this thrift with $47 million in losses.

Do not misinterpret me. Do not misunderstand me. It is important to me too because $47 million is a lot of money, and it is taxpayer money unless we can make someone pay it back. But the Senator from New York is interested only in this one thrift to the exclusion of all others. The record shows that. In fact, his record shows he did not give a hoot about this thrift until a couple of weeks ago.

Remember, some 10 weeks ago he voted to shut down any investigation or prosecution in the Madison matter. When I finish I hope he would explain that vote.

Last week I asked the Senator why he was not worried about the statute expiring at the 1,000 other failed thrifts. Why only Madison Guaranty? Is there a political interest in this? Not a concern for the taxpayers, but just a political interest? Why is he not interested in the possible expiration of the statute at thrifts whose statutes expire on the same day as Madison Guaranty, thrifts like the United Savings and Loan Association of Texas?

I remind the junior Senator from New York that United Savings is certainly worth worrying about. Its failure cost the taxpayers not $47 million, but $1.6 billion. That is 35 times more than Madison Guaranty. Its statute of limitations expires on February 28.

I ask the Senator from New York; have you written the Government and asked any—I repeat any— questions about United Savings Association of Texas or about its statute of limitations?

We all know the junior Senator from New York is fond of using props to help make his points during debate on the floor. He brings with him a big calendar showing how many days are left until the Madison statute expires. But if his concern is the taxpayers' money, his big calendar on Madison confuses an important point because the statute on Madison is only one of many which expire at the end of this month.

Let me say to the Senator—and I would like his attention on this—if the Senator wants to extend the statute of limitations on all savings and loans, this Senator will join him, and I think we can pass it unanimously on the

floor of the Senate. I am prepared to join him in that effort.

Mr. D'AMATO. Is that a question?

Mr. METZENBAUM. When I get done. Are you prepared to say yes or no?

Mr. D'AMATO. I am prepared to make a response to your question without dilatory tactics, if that is the question. The Senator once before asked if I would move to extend the statute of limitations with respect to this matter alone, and I said I would not. That was not my intent. If the Senator is asking whether or not I would be willing to support legislation that extends to all of the instances retroactively, I would have to say that in good conscience I could not support that. I do not mean to intrude on your time. If you want, at this time or later, I will explain why.

Mr. METZENBAUM. I appreciate the candor of the Senator's response. But I want to say that I am prepared to join with the Senator from New York to extend the statute of limitations so that all of these savings and loans, officers and directors who took off with the taxpayers' dollars, can be held accountable.

Mr. D'AMATO. I would say to my friend and colleague that possibly if we could work out appropriate language to keep those people whose only liability would be not by their conduct or misconduct, but as a result of their mere presence on the board, some of who afterward were being sued, I would consider that. I think that might be—if we could come up with appropriate language. I will ask our staffs to see if we cannot do that.

I do not know if we can get it done in time. But I will certainly look at that.

Mr. METZENBAUM. I am prepared to extend the statute retroactively to make the same law that is operable at the present time, no limitations, no changes, just extend it retroactively. We have the right under the court's decisions to extend the statute retroactively. I am prepared and will tell my staff to present you with a bill before the afternoon is over to extend it retroactively. If you will join with me, I will go to the majority leader, and I would hope you would go to the minority leader, and I think we can pass that piece of legislation—it would be very simple—yet this afternoon.

Mr. D'AMATO. Let me say to my colleague that I entertain your offer in good faith. And I will be happy to look at it. I have a certain reservation which I have stated previously. I would not want the Madison matter to change because I do not believe that it should be treated any differently than any other.

I tell that to my colleague and I hope you believe that.

Mr. METZENBAUM. I understand treated differently—excuse me. I believe the rules require me to address the Chair.

Mr. D'AMATO. I apologize to the Chair.

Mr. METZENBAUM. I will ask through the Chair whether or not you are talking about some variation in extending the statute or were you willing just to extend the statute, the same statute that is presently in operation, and extend it retroactively so it covers all the savings and loans?

Mr. D'AMATO. I have to review that. But it is certainly something that I will review, and I indicate to my colleague I will look at it. I do have certain reservations. I have stated them before. But we will look at them.

Mr. METZENBAUM. I say to my colleague that we will present the Senator from New York with a draft of such legislation within the hour, before 5 o'clock. I would hope that I could have a response by 6 o'clock. It will not be complicated legislation. We know the deal.

Let me talk about taxpayers dollars and what is involved here as compared to other losses that are being suffered by the RTC.

If we were to compare the loss from United Savings of Texas, which cost 35 times the losses of Madison, we would be taking the calendar such as my colleague from New York has on display over there, and that would be United Savings of Texas. Whereas the amount involved with respect to Madison Guaranty—and this is also a calendar—would be about the size of this card.

So what we are talking about is, do we really want to protect the taxpayers' interest or do we just want to make a political deal out of it with respect to Madison Guaranty? Why does not the Senator from New York have 24 calendars, each calendar representing one of the months since 1992 when Madison Guaranty's statute first expired? Why was not my colleague here in March 1992 and again in April 1992 and again in May 1992 and again in June 1992, and so on—for 2 years counting down the times since the statute expired—trying to get the statute revived?

I have spent untold hours trying to get the statute revived, but I have not had support from the Senator from New York. And when the conference committee met on this subject, I did not have support from him at that point.

The Senator was busy trying to stop this Senator from reviving the statute of limitations, not trying to support it. I hope he has had a change of heart, and maybe will come along by 5 o'clock this afternoon.

But the Senator from New York in the past was too busy trying to stop the Senator from Ohio and many others from reviving the statute in Madison Guaranty, and at all the hundreds of other savings and loans in which it expired. That is why—too busy trying to stop us from going after all of those savings and loans crooks who made out like bandits with the taxpayers' money.

I want to say on the floor of the Senate some of the names of those who made off with those millions of dollars, prominent political names in this country, and they should have been brought to justice. But they were not. And I do not hear anything from the Senator from New York about them.

I have to wonder if the Senator from New York is so probing in his questions about Madison— knows what Madison Guaranty has in common with Home Federal Savings and Loan of Arkansas, or Colonial Savings and Loan of Kansas, or Home Savings Bank of Anchorage, AK, or San Antonio Savings Bank of Texas, or the Barber County Savings Bank of Medicine Lodge, KS, or La Hacienda Savings Association of San Antonio, or Topeka Savings of Kansas, or Permian Savings and Loan of Texas, or Suburban Savings and Loan of San Antonio? I could go on. There is a whole list of them.

But we slammed the door down and have not permitted the RTC to go after those officers and directors. Instead, we are talking about one savings and loan because the name of the President of the United States has been associated in some way with it.

I believe the laws ought to be equal in this country. I think the laws ought to treat everybody equally, whether the President of the United States or U.S. Senator or somebody who is working at a relief agency in this country. We should not have special laws for special people.

So I say let us extend the statute of limitations. Let us do the right thing for the taxpayers of this country. We come out here every day of the week bleeding and crying for $1 billion for this program or that program. But we do not have $1 billion for that program or this program, because we have lost so many dozens and dozens of billions of dollars on failed savings and loans. I have not been able to get any support from the Senator from New York when I try to make it possible for our Government to go after them. I would think that the Senator's inquiring mind might want to know, so I will tell him why we have not been able to follow up on these savings and loans. What they have in common is that they are all savings and loans that failed and whose statute of limitations runs at the end of this month. Furthermore, they are all savings and loans that the Senator from New York voted to shield from investigators and prosecutors at the RTC.

Has the junior Senator from New York written the RTC about the February 28 expiration of the statute of limitations at: Home Federal Savings and Loan; Colonial Savings and Loan of Kansas; Home Savings Bank of Anchorage, San Antonio Savings Bank,

the Barber County Savings Bank of Medicine Lodge, La Hacienda Savings Association of San Antonio, Topeka Savings, Permian Savings and Loan, and Suburban Savings and Loan of San Antonio? I will bet he has not, and I will bet I know why.

Setting aside for a moment the most laughable arguments the Senator makes—that after a 3-year investigation, the RTC suddenly has no time to investigate this matter, and that the clock is ticking on an investigation he voted himself to shut down 2 years ago—the Senator makes other curious statements.

For instance, the Senator from New York says that the RTC has been unwilling to tell him when the statute of limitations on Madison Guaranty Savings expires. Well, a first-year law student could tell him when the statute expires. Take a look at the statute. It will tell you when. It expires 5 years after the RTC took over the savings and loan. You do not need to be a great lawyer or a jurist. You just have to read English. That is what it says—5 years after Madison Guaranty was taken over it expires. It is very simple, elementary English language. But the Senator from New York—that does not get him any publicity. He would rather write a letter and get 39 other Senators to join him in asking when does the statute expire. I will tell him. He is an able lawyer. He can look at the statute and say: Why did I write this letter? I already know when it expires. All I have to do is find out when they took it over. That is a simple, elementary question, and we know it is 5 years from then. You do not have to ask the RTC to learn. It is written in the United States Code in plain language.

Why is the Senator from New York so much insisting that the RTC tell him when it would run? It indeed strikes me as odd. The Senator from New York has come to the floor for a week to tell the Senate of his frustration because the RTC is not reacting as he thinks it should. The junior Senator from New York tells us that he has been asking the RTC since he first wrote them on January 11 to tell him "when the statute of limitations expires in civil actions against Madison." I say to him very simply, it expires 5 years after the RTC took it over. It is as plain as black and white on paper.

If we want to do something about it, let us go back and extend the statute on all these savings and loans. I want to tell you, I have put so much time and effort into trying to get this statute extended retroactively to take care of these people, to see to it they do not get away with billions of dollars of the taxpayers' money, and I have not had any success, not only from the Senator from New York but any insistence from any other Member on the other side of the aisle.

The Senator from New York has told us repeatedly that the RTC has not been willing to give him an answer to the question as to when it expires. Let me read from this junior Senator's remarks in the Senate last Friday, January 28:

> We have on two previous occasions, January 11 and January 25, requested that the RTC—that is the body responsible for any civil investigation—tell us when the statute of limitations expires on civil actions against Madison, and we have received nothing but shocking delays."

I must admit I was puzzled. Why did the Senator need so desperately to have a response to that question from the RTC?

I read his January 11 letter, and I think I found the answer. He did not need an answer. The junior Senator from New York never asked the RTC to tell him when the statute of limitations expires in that original letter. He never asked them that question. It just was not there. In fact, I do not see it anywhere in the letter. Let me repeat. I do not see anywhere in the January 11 letter of the junior Senator from New York any request that the RTC respond with the date that the statute of limitations runs; although I am frank to say the question was not asked, but even if it had been asked, the answer is obvious: It expires 5 years from the date they took over Madison. In the January 25 letter, in all fairness, he does request that so-called urgent information, but it took him a couple weeks to decide this information was so urgent and important to him. It seems maybe the Senator is making this up as he rolls along, and maybe he is trying to create some issues where there are none because they might have better publicity value.

The Senator from New York attempts to defend his inconsistencies by stating that he has not changed his position, that he is not seeking a further extension of the statute in the Madison case. I would accept that statement if he would also acknowledge that if he had his way, he would not be able to say word one about Madison today. If the Senator from New York had his way, he would not be able to say a word—anything—about the Madison situation today, because he was one of those Senators who voted against the very measure which provided for the extension of the Madison statute to this February 28. I want to repeat that. If the Senator from New York had had his way, we never would have been able to extend the statute even to February 28. He did not have his way, and I am proud to say we prevailed.

Taking it further, he should also thank the President of the United States for saving the Senator from New York from himself, for it was President Clinton's pen which revived this statute when he signed the RTC funding bill on December 17. That bill contained the extension that now would run out on February 28, contained the extension that the Senator from Ohio had put into the bill—without the support and help of my colleague from New York.

The Senator says he does not support an extension of the statute of limitations, that he simply wants action in the matter within the time remaining. He is now saying maybe he will join with me for an extension. I am not too hopeful or too optimistic, but I must say it would please me to no end if we could pass an extension yet this afternoon.

He raises the possibility of a tolling agreement in the Madison case, which would have the effect of extending the statute of limitations in just one case—not in any of the other cases that the RTC has a right to bring—just one case does he want to toll the statute. Is there a political reason? Is that because the Senator from New York knows that the President's name has been mentioned in connection with the Madison case? I do not think that is the way we ought to make laws. I think we ought to make laws that are applicable to Presidents, Governors, Senators, and to all of the people of this country, not just to some people.

I would restate my views of what is going on here if it were not so blatantly obvious. The Senator from New York and others are attempting to thwart a President who is making progress on the issues that got him elected—the economy, the budget deficit, health care, crime, welfare reform, gun control, and the list goes on and on.

I respect the Members from the other side of the aisle who come to this floor to do battle on those issues, and to speak their beliefs and vote their consciences, even when in defiance of the President. But I cannot stand by and abide the shrill cry of a Member who refuses to either stand by or acknowledge his own record on a matter, who has contributed, if not created, the very situation he claims to shockingly deplore, and who willfully ignores the facts that undermine every shred of his argument.

I want to repeat this again. It is 4:20. Before 5 o'clock, the Senator from New York will receive from this Senator a proposed piece of legislation to extend the statute of limitations retroactively with respect to all the failed savings and loans, to make it possible for this Government to proceed not against only the officers and directors of Madison Guaranty, but in favor of recovering the billions of dollars that others have not been sued for when maybe they should have been sued for them. I have criticized the RTC when it has failed to act, and I have no reservations in saying again that when the RTC does not act, they are to be criticized. But the fact is, I want all the officers and directors of failed savings and loans, who are guilty of some con-

duct that violates the law, who would make it possible to recover the dollars, to be held liable in court and not to have the defense of the statute of limitations.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I ever heard my votes described, and I have not said anything to this date. They have been mischaracterized by the Senator from Ohio, misrepresented, and in two instances, they were absolutely wrong. This Senator voted on two occasions to extend the statute of limitations. Al Smith said it best: "Let us look at the Record."

On September 8, 1992, I voted in favor of passing the Wirth amendment to extend the statute. That is the record.

On September 25, I voted against tabling that same amendment. They were the only two votes on the Senate floor in 1992 directly on this issue. You can twist and turn, and that is exactly what we have had taking place today. I resent it, and it is wrong. ALFONSE in wonderland? Well, I have to tell you something. I do not go around pretending, and not in a sanctimonious way. I say "pretend." We have the great pretender from Ohio now who can say what my record is, and it is not there, not supported by the actual record. Great pretense. I take exception to it. Let us talk about the one instance in which I voted against, an extension, and that was on May 13, 1993.

We received a letter from Mr. Altman of the RTC. He said, "We want a clean bill. Do not add anything to this bill."

Let me read to you what he said. "The RTC no longer supports extending the statute of limitations." I did not say that. This is Mr. Altman. This was the administration.

Nevertheless—and I will read the RECORD and it is here, in the CONGRESSIONAL RECORD, May 13, 1993. Let us not distort what I said and what my intent and motivations were.

But let me tell you that in the debate that we had on the floor between the Senator from Ohio and myself, I said, "I mean, the letter is very clear. Mr. Altman does not support this. And the letter from the Deputy Secretary of the Treasury was clearly opposed and is not asking for this extension."

But then I went on to say to my colleague from Ohio, the author of the legislation seeking the broad-based extension that you would have many people who were not accused of wrongdoing, but who were merely directors on the board, who would be sued. That is wrong. That is not right. That is not what we are about. We are about wrongdoers, intentional wrongdoing. Get them.

That is what I meant today in my colloquy with the Senator from Ohio. I said, "Mr. Altman does not support this."

I asked the author of this legislation if we could limit it to the egregious instances, to fraud. Let us limit it. Let us go after real wrongdoers.

Now, look, I think that is pretty clear. By the way, the conference adopted my position. The Senate did not, but the conference, as a matter of fact, eventually adopted a provision which I would have supported on this floor but the Senator from Ohio would not. But the House of Representatives held to a position which I could easily support, and which I did support and which I offered, but which was not undertaken because the Senator had the votes and he wanted it his way.

What did the House-Senate conference say? Essentially it adopted my proposal and extended the statute of limitations from 3 to 5 years for fraud and other intentional misconduct.

Now, that was this Senator's proposal. I think it was right. That was my intent. On two other occasions I voted to extend the statute of limitations. And I think that my vote and the RECORD, not the RECORD as interpreted by somebody else, but the RECORD verbatim here, the transcript, supports this Senator's position that, yes, I was willing to go along. And, indeed, the conference did, and I supported the conference as it relates to intentional wrongdoing.

Now, what are we talking about as it relates to Madison? All we are saying to the RTC is, let us know if you really are applying those standard procedures that you wrote about.

I wonder why people are so sensitive to that. If my colleague from Ohio or any other State comes to me as a member of the Banking Committee and says, "Listen, there is a thrift"—and I am not aware of all the thrifts that have been closed or what may or may not be appropriate action being taken by the RTC—"and we would like to ascertain if they are seeking out wrongdoers; we have reason to believe that maybe they are not getting the kind of attention that they should," I would be happy to help anyone in requesting the RTC to give us a status report. But that would be a real status report; to ascertain that the RTC is on the job and carrying out its responsibilities.

So, if there is some question that my friend has as it relates to an institution I have not heard of—United Savings of Texas that lost $1.4 billion—I assure you I am very willing to join him or anyone else in asking: Are there tolling agreements? Are you going after those people who have potential liability? Are we seeking out wrongdoers? Are we seeing to it that we are doing all we can to protect the taxpayers?

That is all I am asking for here.

So, if there is a genuine, bona fide concern that the RTC may or may not be doing what it should be doing in other matters, I would be happy to join with my colleagues, as the ranking member of the Banking Committee, in asking those appropriate questions. That certainly would not be outside of the scope of what I should be doing, and it is not out of the scope even if it makes people uncomfortable to find out and get an answer.

Mr. Altman and the RTC are simply being unresponsive.

Give us what we have asked for—an answer.

So to come down and be attacked on the floor, as I have, to have my record misconstrued, as it has been, is absolutely wrong, and it is not going to keep me quiet.

I say again that the statute of limitations is ticking. We are entitled to some answers. Forty Senators signed a letter saying, tell us what, if anything, you are doing in this case. We have a right to know.

As a matter of fact, as it relates to any other institution, I would join my colleagues if they came and said, "By the way, we have reason to believe that there is potential liability or claim for millions of dollars that should be collected."

Now, not every one of these institutions, by the way, lost their money or went out of business, notwithstanding that they may have lost large sums of money because of intentional wrongdoing, because of greed, because of avarice, because of some corrupt act. Some lost billions because of the market collapse, the real estate market, the oil market. They may not have been run in the most prudent manner, but that does not give us cause to start litigation against everyone in every one of these cases. There may be some cases where the RTC is absolutely correct in saying, "Look, we have no actionable claims."

We should not just be suing because some bank closed, whether it is Whitewater or any other bank. If they find out there was no potential liability there, potential wrongdoing, fine. But tell us. Tell us.

Again, Sergeant Joe Friday said it best: "All I want is the facts, ma'am."

That is all this Senator wants.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I will just take one moment. I guess I need to ask unanimous consent for about 5 minutes.

The PRESIDING OFFICER. The Senator may proceed for up to 10 minutes in morning business.

Mr. METZENBAUM. Mr. President, I want to be clear as to what the record of the Senator from New York in this area is.

Back in March 1992, we had an amendment to extend the statute of limitations. And the Senator from New York voted wrong—March 1992, he voted wrong.

Now, the Senator from New York was up for election in November 1992. And by that time he had been converted. At that time he voted right, to extend the statute of limitations.

Then in September 1992 in a second vote on a question of extending the statute of limitations, the Senator from New York, again prior to the election, voted right.

Then, he was elected and after that, in May 1993, the issue again returned to the floor and, surprise of surprises, this time the Senator voted wrong. He voted and refused to extend the statute of limitations.

So I think maybe I have a chance of getting him to join me. Because in two of those occasions he voted the right way, two he did not. I have a chance of getting him to join me in extending the statute of limitations even at this late date. And as I previously said, I will have a draft of a bill to him very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, we have other colleagues here whom I know are seeking the floor to speak on other matters, health matters, budget issues. But let me simply point out it is quite clear when I voted in March 1992, that was a debate on the RTC funding to strip out all provisions except for simple funding—all provisions. I voted for that amendment because I thought it would be the easiest way to get the bill through.

But to attempt to characterize my vote as a vote against extension of the statute of limitations is simply misleading. Let me refer to the RECORD.

Last year—and we can look at the CONGRESSIONAL RECORD of May 13, 1993—when the RTC funding bill came up again, the Senator from Ohio came to the floor and he announced—and I quote him: that he would offer his amendment to extend the statute of limitations from 3 to 5 years.

He stated at that time that the amendment passed the Senate twice before, and that the managers—and the managers of the bill were Senator RIEGLE and myself—voted for it.

So he really understands and knows when the issue of extension has come up, I have voted for it.

When the Senator proposed his broad-based extension, again—and the RECORD shows it very clearly—I said let us extend it, or attempt to work out language that will extend it for egregious cases. If one reads the RECORD, it is there. It is clear—for fraud, for intentional wrongdoing.

Mr. President, the fact of the matter is that the House and Senate conference adopted exactly that language.

Now my friend talks about extending the statute of limitations further. I would say, to do it for any one, particular institution, would be wrong. Would I consider extending the statute of limitations as it relates to wrongdoing, intentional, et cetera? For all institutions? The answer is yes.

So I would take his offer, if it is done in the manner in which we have previously acted, but not to also place people who, through no fault of their own other than they were on the bank board, to place them in harm's way, when there was not intentional misconduct.

Intentional wrongdoing? Certainly, I could extend the statute of limitations. Fraud? Certainly, I could—I vote to extend the statute of limitations. And, indeed, I may attempt to do so and we will see if my colleagues would like to see that done without singling out anyone to be treated differently.

I certainly do not think the people at Whitewater should be treated any differently than anyone else. Nor should they get special treatment. And that is what we are attempting to ascertain.

I thank my colleagues for their patience, and I yield the floor.

CBO HEALTH REFORM REPORT

Mr. DOLE. Mr. President, I want to take just a moment to talk about the CBO report today from the Congressional Budget Office. I know my colleague from New Mexico has analyzed it very carefully.

I congratulate the CBO Director, Mr. Reischauer, because I think they did put together a very objective and an comprehensive analysis under very difficult circumstances.

Make no mistake about it. The Congressional Budget Office report today confirms what many of us have been saying all over the country for the past several months and a lot of people have suspected, Democrats and Republicans: The Clinton health care plan calls for multi-billion- dollar doses of deficit spending and Government control. And that is a fact, at least a fact according to CBO.

I think what the CBO report really does is say you have to start down this road very carefully. You cannot just say, "Oh, these are the numbers. We have had it checked by all the outside experts. This is it."

I am not certain whether these numbers are accurate, even. Neither is the Senator from New Mexico. And I doubt if Mr. Reischauer would take a pledge that these numbers are totally accurate.

The one thing we have to insist on in the health care debate, as we start voting on health care, is that we get it right, because around this place in a major piece of legislation, if you do not get it right, it may take 20 years to correct it. I think we have to take a look at all the other plans and give them the same scrutiny the Clinton health care plan has received.

I think it was particularly significant that when the President talked about health care last year in a joint session of Congress, he said we ought to take the CBO numbers. He has made the Congressional Budget Office his official budget scorekeeper. In my view, that is one reason their analysis is so important.

We have had a lot of glossing over, a lot of smoke and mirrors in health care: "Oh, it is going to save all kinds of money."

The President also glossed over the fact that the central component of his health care reform financing plan—$1.4 trillion in mandated health care premiums paid by employers to Government-controlled alliances—is essentially a tax on employers. And that is what we have been saying. It is a tax. When the Government, by law, forces you to do something or to pay something, to pay some money, that is a tax. And, of course, the President tried to hide all this by moving it off budget. He would not have to face up to it.

Now, CBO says you have to put the whole plan on budget and that new benefits in the budget plan constitute a massive new $1.4 trillion entitlement program—another entitlement program by a President who said we ought to take a look at entitlement programs before they get out of hand.

The CBO does not call it taxes, but they say the mandated receipts are, "receipts to the Federal Government."

I guess you could have asset sales, that would be a receipt to the Federal Government. But most people think of receipts to the Federal Government as taxes, tax receipts. So we have this new tax. We passed a $262 billion tax increase last year. It just seems to me the final point would be, as the President says in his budget, if we adopt his health care plan we are going to save roughly $60 billion over 6 years. And one day later—we get the budget on Monday, on Tuesday we get the CBO report and they say we are going to add to the deficit, $70 billion. Who knows whether that is right? It could be $700 billion? Who knows? It could be $60, $70, $100-and-something billion, but you take the $60 billion savings and $70 billion increase, that is a swing of $130 billion.

So it seems to me the Congressional Budget Office has done the right thing, the only thing they could do, and they performed a service.

Finally, I would say I am not advocating we do not do anything. This does not mean we ought to preserve the status quo. This does not mean we ought to not do anything in health care. It means we ought to take a look, take a hard look, and have long, long, serious hearings and debate around here before we just buy a pig in a poke, any pig in a poke, whether it is the President's plan or anybody else's plan, Republican or Democrat. We want health care reform. There are very serious problems in America in health

care. But we want to make certain when we address this issue that we do it the right way.

Because, again, the bottom line is, if we do not do it the right way, many Americans all over America are going to suffer the consequences. It will take us years to fix it. I guess we just have to look before we leap.

I think today, with the CBO analysis as discussed by the distinguished Senator from New Mexico earlier, it pretty much blends into a piece that appeared in last week's Washington Post. In fact, it was January 30. It happened to be a piece by the Senator from New Mexico [Mr. DOMENICI], "How Can the Administration Leave the Health Care Plan Off the Budget?" I think Mr. Reischauer must have read this piece in the Washington Post. I am happy he read it and I am happy with the report. But as I said before, I am not just talking about the President's plan. All plans ought to have the same scrutiny—every plan. My plan—I do not have a plan—if I had a plan, anybody else's plan.

I thank the Senator from New Mexico and thank my colleague from Ohio for yielding.

I ask unanimous consent to have Senator DOMENICI's op-ed piece printed in the RECORD.

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

[From the Washington Post, Jan. 30, 1994]

THE BIG BUDGET LIE—HOW CAN THE ADMINISTRATION LEAVE THE HEALTH CARE PLAN OFF THE BUDGET?

(By Pete V. Domenici)

On Feb. 7, President Clinton is scheduled to submit his first real budget. What is in that budget will be, in one important way, less interesting than what is left out: the full budget impact of the president's sweeping proposals for reforming the country's health care system.

How the health care plan is reflected in the federal budget is more than an academic question. The administration's insistence that the plan's mandated premiums and benefits not be displayed as federal taxes and spending is ample testimony to the large political and practical consequences.

Excluding the reforms from the budget will not only obscure the health care debate for the American people, it will also establish a dangerous precedent: the enactment of major new federal programs with no apparent impact on taxes, spending or the debt. Indeed, the decision could determine whether the federal budget continues to be a meaningful document at all.

Governing and budgeting are inextricably linked. A budget determines how much of the private economy will be extracted for funding public purposes, and how those funds will be allocated among many competing objectives. It is not only a policy document, but a historical record book documenting the successes or failures in achieving the hopes and dreams that it embodies. As the president stressed in his State of the Union message, his health reform plan would be a signal change in American social policy. Excluding it from the budget process would be an extraordinary violation of well-established budget principles that have served both Democratic and Republican presidents and congresses over the years.

The first principle is that the budget should be comprehensive, including all federal fiscal activities. This principle, referred to as the unified federal budget, was established and affirmed with President Johnson's Commission on Budget Concepts in 1967.

Even in 1985 and 1989, when the Social Security trust funds and the Postal Service program were moved "off-budget" to avoid their calculation in the Gramm-Rudman sequester process, the federal budget presentation showed their receipts and payments in aggregate budget figures. That accounting practice continues to this day.

By this measure, there can be no question that the Clinton health care plan is a federal program and so should be part of the unified budget.

All the essential ingredients of the president's plan would be established by federal statute. The roles, responsibilities and characteristics of the regional health alliances that administer the program would be determined by the federal government. Universal health coverage would be compelled by the federal government. By federal law, every legal resident of the United States would be required to participate in the program. The program would go into effect in every state even without the state's consent.

A new National Health Board would be created to oversee and regulate the entire system. It would establish requirements for state plans and approve state health plans. It would establish a "national budget for health care spending." The National Health Board would issue federal regulations governing benefits, procedures, reimbursements and cost-sharing requirements for qualified health plans, among other things.

If this isn't a federal spending program, what is?

And yet, the Clinton administration proposes to exclude from the federal budget roughly $1.4 trillion in health care spending over the next five years (as estimated by a recent Lewin-VHI study) that would be subject to federal control. Over $100 billion of this spending would be from firms that do not now insure their workers. When expenditures of this magnitude are excluded, how seriously will anyone take federal budget controls in the future?

The second well-established principle of federal budgeting, again from President Johnson's commission, is that collections arising from the sovereign power of the government, involving regulations or compulsion, should be reported as receipts.

The Clinton health care plan would require the regional health alliances to administer the collection of compulsory social insurance premiums and use those proceeds to finance the purchase of medical care. Employer payments are compulsory; no one can choose not to participate. The employer's payment to the regional alliance is determined by a formula based on the "class of family enrollment" in the firm. A limit would be set on the employer's premium payments not to exceed 7.9 percent of total wages. The alliances would also be given the authority to borrow money from the Treasury, should benefits and receipts not match at certain times. (The image of "private" savings and loan associations with federal guarantees haunts my budgetary memory!) But none of these transactions would be reflected on the federal books, presumably on the argument that the alliances are "not federal entities."

It is true that most employers currently provide health insurance to their employees and, if the plan works as the administration hopes, they will save somewhat less than $1 billion as a group over the next five years. But even if those savings are realized on average, the companies and their employees will lose the control over costs and benefit choices that they now have under current private employer-employee voluntary agreements or independently negotiated business-labor contracts. Except for very large firms, and then with some limitations, responsibility for determining benefits and monitoring costs and quality, would be transferred to the health alliances.

As for employers who do not now provide health insurance to their workers, they would have to make payments of more than $100 billion over the next five years to these "non-federal alliances." Those employers will not be persuaded that these are not new federal payroll taxes—nor should the public be.

The basic tenet underlying the budgetary principles that the administration's health plan would violate is that unless the budget includes all sources of federal revenues and all types of federally controlled spending—and any gap between the two—there is no way of measuring the overall impact of federal activity on the economy. For that reason, when the Social Security and unemployment programs were created in 1935, the mandatory employer and employee "contributions" that financed them were correctly counted as federal receipts. Thus, the budget identifies for all who want to know how much the federal government is extracting from the economy and allocating to those two major social programs.

More recently, Congress bailed out health benefit funds for certain coal miners in part by mandating that coal companies pay premiums to two new privately managed funds. Although the mechanism employed was defined as a private, multi-employer benefit plan, because this is actually a federal program compelled by the government's sovereign power it is included in the federal budget. President Clinton's health care financing mechanism is virtually identical. The fact that employer premiums flow to a regional health alliance and not the U.S. Treasury is no justification for removing them from the federal books.

As a very simple practical matter, imagine what would happen if the Clinton health care plan were "off-budget." Congress could raise the 7.9 percent cap on the employer payroll tax and never show it as a tax increase—in fact, it would be recorded as a spending cut because it would reduce the "on-budget" federal subsidy payments to the alliances. Further, Congress could include new health benefits in the mandated standard insurance plan and those new costs would be excluded from the budget. Private resources extracted for public purposes need to be accounted! If that principle is violated, even for the politically popular objective of reforming the nation's health care system, the costs will not only be measured in dollars but in the ability to govern effectively.

CONGRATULATING DR. REISCHAUER

Mr. DOMENICI. Mr. President, I will not be long. I see other Senators might want to be recognized.

I rise today, I say to the Senate and my fellow Senators, to congratulate a

very, very courageous employee of the U.S. Government, the Director of the Congressional Budget Office, Dr. Reischauer. Frankly, he has been under enormous pressure on the issue of whether the President's health care plan created a very large Government operation, a new large Government program, fueled by taxes, spent by an instrumentality of the Government, or not. For that, indeed, was the issue.

The issue is whether saying to the employers of America: You will pay, from payroll of your employees, somewhere between 3.5 and 7.9 percent, depending upon what the regional alliances say you owe. However, you will all get the same coverage. Clearly indicating we are using money from different employers differently: Some to buy theirs, some to pay for part of others, and run all the money through an alliance which is a total creature of the Federal Government, which does not exist today, which will grow up in the sovereign States like mushrooms and all of a sudden these very large instrumentalities of the Government—agencies, bureaucracies—will be running the health care system.

Frankly, that was the issue, although today it is couched in whether or not the planned dates provided for in the President's program on employers to pay a portion of payroll to a regional alliance, whether that was a receipt to the Government or a premium for insurance.

For those who try to play on the word "receipt" and say that receipt is not a tax, let me suggest they look at the budget. We call taxes receipts to the Government. So he was using the exact correct parlance of the budget in saying it is a receipt to the Government, all of it, every penny of it. And that is a very large new federally run program.

That is the conclusion that the CBO came to in reading the President's proposals. That is $1.4 trillion, that will be mandated, much of which is now voluntary—some is paid in different ways, some by different kinds of insurance—but that $1.4 trillion will be under the control of what they choose to call the sovereign Government of the United States.

Frankly, I am only going to quote one paragraph:

> CBO concludes that the plan would establish both a Federal entitlement to health benefits and a system of mandatory payments to finance those benefits and represents an exercise of sovereign power. Therefore CBO believes that the financial transactions of the health alliances should be included in the Federal Government's accounts and the premiums should be shown as Government receipts rather than as offsets to spending.

I repeat what the Republican leader said. I rise to state this because I thought it all along. I argued it. I urged it. I told those representing the White House this is how it ought to be treated, not because I do not want a health care reform program—I do. This just points out there has to be a better way than having the U.S. Government essentially operate a new program of this size through regional alliances which we create but somehow or another we would like to call "not government."

Lastly, again, not by way of saying that I have all the answers, because I think every program should be looked at, everyone's proposals. But essentially I have been saying since the very inception of the President's first budget, that if you do not get health care under control, the deficit goes back through the roof. As a matter of fact, the President has been saying it. In fact, recently he said if you do not get health care costs under control, you cannot get the deficit under control.

I had difficulty understanding that, Mr. President, because I did not understand how getting health care under control, costwise, turning around and spending under four new programs, which are now called entitlements, which I perceive would cost more than we could ever save, I did not understand how we could have deficit reduction.

I still do not, and I am here to tell you I did not when the President released his budget yesterday. I did not when he spoke in Houston yesterday, but what I could say is it cannot be.

But now the CBO says by the year 2000 you will spend more under the new health care program, the new entitlements, the three that are going to be in there, plus the subsidy to take care of the uninsured for universal coverage, you will pay more than you will save if you get Medicare and Medicaid under control and more than the taxes you are going to get from the new add-on to cigarettes.

I am not here saying we cannot put a program together. Not at all. I am merely suggesting we just got out of the frying pan and are getting the deficit under control. The biggest thing we keep finding out is that we do not know how to estimate the cost of health care programs that the Government sponsors and delivers and manages and does the books for—Medicare and Medicaid. I am not sure we know how to keep the four new ones under control that are in the President's budget.

So I was vindicated at least to the extent that CBO says you will not save any money, you will spend $77 billion more, not save $59 billion. So I think there is a $133 billion or $135 billion error in the estimating. I repeat what our Republican leader said, that may be too low.

So I think we ought to walk into this rather than have a new entitlement commission, that our friend standing on the floor is going to cochair, saying how do we get entitlements under control. I do not expect him to respond at this point. He wants to speak on something else, perhaps, but he is saying unless we get some entitlements under control, he is willing to say let us meet and do it.

Now we have CBO saying the new entitlements under the President's suggested health care bill will, of themselves, add $70 billion to the deficit over the next 5 years. I repeat, I think those numbers are all too low. The President's first one, CBO's second one, and I am not all sure we know how to save that money in Medicare and Medicaid which we must save first in order to pay for these programs.

I yield the floor

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. STEVENS. Mr. President, will the Senator yield for 30 seconds?

During my short hospital stay several issues of importance to Alaska came up in relation to the Education 2000 bill. First, I'd like to thank the distinguished managers of the bill, Senator KENNEDY and Senator KASSEBAUM, for offering an amendment on my behalf authorizing Alaska Natives to participate in education reform efforts.

At my request, Senators HARKIN and SPECTER included $200,000 for that purpose in the fiscal year 1994 Labor/Health appropriations bill. However, I was informed earlier this month that the Department of Education would not spend the money because it did not believe it had the authority. This amendment grants that legal authority.

Under the original version of the Education 2000 bill, only Indians from the lower 48 States were eligible for grant moneys under the Indian set-aside. The amendment the managers offered will now treat Alaska Eskimos, Indians, and Aleuts on the same basis as Indians in the lower 48.

Last Thursday Senator HELMS offered an amendment which was later modified to guarantee the right of schoolchildren to pray in school if they so choose—a right protected under the first amendment of the Constitution.

Many of the problems we face in this country—domestic violence, drug abuse, crack babies, random shootings, child abuse—are a result of the decay in the moral fabric of our families and communities.

Not penalizing schools which allow children to pray is a small but important first step in addressing these problems. Letting children pray will help reduce violence in our society more than any gun control or antipoverty program could ever do.

Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator HELMS' amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

GOALS 2000

Mr. KERREY. Mr. President, I would like to respond and will respond to the Republican leader and to the distinguished Senator from New Mexico, but before I do, I will just indicate that I do intend, after a considerable amount of deliberation on the subject, to vote for the Goals 2000 proposal of the President. I have some significant reservations but I spoke to a number of the cosponsors of the legislation and I spoke with Secretary Riley.

Mr. President, I ask unanimous consent to print a letter in the RECORD from the Governor of the State of Nebraska in support of Goals 2000.

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

STATE OF NEBRASKA,
EXECUTIVE SUITE,
Lincoln, NE, January 8, 1994.

Hon. J. ROBERT KERREY,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR BOB: The reservations you shared with me recently concerning S. 1150, the Goals 2000/Educate America Act, prompted me to double-check the substance and trust of this major piece of legislation.

The language clearly states that nothing in the legislation can be interpreted by "any federal official to mandate, direct, or control the curriculum or program of a state, local education agency [school district], or school, or the allocation of State and local resources." It also provides financial support for systemic school reform, a new form of assistance that has been missing from the federal array of narrow and mostly top-down categorical federal education programs. Furthermore, the act provides for waivers from existing federal regulations if such waivers are needed for advancing local reform efforts. Finally, it assigns coordination and oversight responsibilities for national policy to an intergovernmental body dominated by elected state officials (the National Education Goals Panel, which I had the privilege of chairing) and an independent standards certification body (the National Standards and Improvement Council), *not* to the federal executive or legislative bureaucracies.

We Governors are champions of America's unique system of locally-governed public schools. We have worked hard every step of the way to ensure that this legislation provides an energetic and yet appropriate national and federal framework to support state and local education improvement efforts. Given the size and scope of the educational challenge facing the U.S. in this fast-paced and tension-filled global economy, and given the fact that states and schools in Nebraska and across this great nation are already actively engaged in significant reform, it is incumbent on the nation as a whole to join in the process of challenging and assisting all young learners to higher levels of achievement.

In striking new postures for this nation and its federal government, the Educate America act clearly raises questions about the balance between local control and initiative, on the one hand, and federal powers on the other. Governors from both parties have concluded that this legislation, while not perfect, is appropriate and workable. We are committed to overseeing its implementation and will be quick to call for corrective action if such proves necessary. I welcome your support and assistance in establishing this new national thrust and in furthering an effective partnership at all levels to make all young Americans world-class learners.

Sincerely,

E. BENJAMIN NELSON,
Governor.

Mr. KERREY. Mr. President, all the concerns that I had for a heavy-handed approach from the Federal Government have been resolved, I must say. I appreciate very much the Labor Committee's hard work on this, and the administration's hard work on this. I remain concerned about some of the aspects of the legislation but, in general, it seems to me it does provide a very good framework for us to reform education from the ground up.

I make it clear, Mr. President, those who, like myself and others, the distinguished Senator from Massachusetts, have pushed this legislation because it requires we set higher standards, make it clear that we as individuals, as parents in particular, but we as individuals, as citizens, are going to have to work harder. Our standards will not be achieved simply as a consequence of enactment of legislation. After discussing this with the sponsors and with the Secretary and the Governor of the State of Nebraska, I come to the consequence of believing this will indeed give us a framework for doing real grassroots groundwork support and reform of education.

TOP 10 IRRELEVANT ARGUMENTS IN THE HEALTH CARE DEBATE

Mr. KERREY. Mr. President, I would like to respond to some statements made earlier by the distinguished Republican leader and the distinguished senior Senator from New Mexico. They commended the courage of Robert Reischauer, the head of the Congressional Budget Office.

As the health care debate heats up during the next several months, we need to be honest with the American people. I have heard several arguments lately that I believe are misleading and do not contribute to an honest debate on health care. The arguments are irrelevant and do not begin to solve the health care problems facing our country. I have collected these into a top 10 list of irrelevant health care arguments.

1. IS THERE A HEALTH CARE CRISIS?

Whether or not there is a health care crisis is irrelevant. We do not wait until the majority of Americans suffer a crisis to act. If a constituent notifies me of a problem, I act on their behalf. For example, the mayor of hastings informed me of a problem with an overly strict interpretation of an environmental regulation. I did not respond that I could not help him until a majority of cities face the same problem. For the city of Hastings, there is a crisis now. I have heard from many Nebraskans about health care problems. For them, there is a crisis. It does not matter to them whether there is a nationwide crisis. They need help now.

2. I AM FOR/AGAINST MANDATES TO PAY FOR HEALTH CARE

This argument is also irrelevant. We already have mandates in place to pay for health care today. The idea that the American people are reading op-ed pieces either for or against mandates when I have an imposed 3 percent mandate on wages now is an indication of how politicians have been misleading the public. This mandate is called the part A FICA Medicare tax. Individuals and employers each pay 1.45 percent of payroll to finance health care.

3. I AM AGAINST NATIONAL HEALTH INSURANCE

We currently have national health insurance. And there is a payroll tax used to fund it as discussed in No. 2 above. We call it Medicare, but it is national health insurance. You have to be 65 years of age to qualify. Understand, I am not advocating extending Medicare for everyone, but for politicians to stand up and say they are against national health insurance, while supporting Medicare, is a very misleading argument. It makes it difficult for us to reach the correct solution to the health care problem.

4. I AM AGAINST USING BROAD-BASED TAXES FOR HEALTH CARE

Although the authors of virtually all the health reform plans, including President Clinton, have proclaimed their opposition to using broad-based taxes to pay for health care. The fact is we are already using broad-based taxes to pay for health care. We need to tell Americans, fully 30 percent of your income taxes are being used to finance Federal health care spending. Not only are individual income taxes being used, but corporate income tax, payroll taxes, and property taxes finance health care today. By stating that we don't want to use broad-based taxes to pay for health care, we are avoiding a very important question, How are we going to pay the bills?

5. I DO NOT PAY FOR HEALTH CARE TODAY

Many individuals and companies believe that they do not pay for health care today simply because they do not purchase insurance. In reality, as I already discussed, because a great amount of tax dollars are used to pay for health care, everyone is paying for health care today. We need to have an honest discussion on how we should be paying for health care so that everyone understands how much and in what manner they are paying.

6. I AM AGAINST A GOVERNMENT TAKEOVER OF HEALTH CARE

As is made clear by argument No. 4, there is already substantial Government involvement in health care. The Government pays $450 billion out of the $700 billion of non-out-of-pocket health care expenditures in the United States

in 1993. The question we should be debating is, What is the proper role for the Government? That is the question we need to address.

7. UNINSURED AMERICANS ARE CAUSING THE HEALTH CARE PROBLEM

We should not be focusing on the problem of the uninsured—the problem is that health care costs have risen to a point where you have to be insured for routine health services. The best example for me is that in 1974 and in 1976 when my children were born, I paid for the costs out-of-pocket. I did not have to be insured to have a baby. It now costs $6,500 for a 2-day normal delivery of a baby in Nebraska. The median family income in Nebraska is $18,000 per year—therefore it is a financial catastrophe to have a baby in Nebraska without health insurance. The problem is that the cost of health care has grown to a point where people of average means live in constant terror that they will have to encounter the health system. It is not just preexisting conditions, it is not just the lack of portability, it is the overall costs of health care have become extreme.

8. REFORMING THE HEALTH CARE SYSTEM WILL CAUSE RATIONING

There is already rationing in today's health care system. The hardest thing we have to deal with in health care is that at some point we ration care. There are very few Americans that can afford the $175,000 that it costs, on average, to receive a bone marrow transplant for breast cancer. I heard earlier this week from clinical researchers and oncologists that rationing already exists when it comes to patients receiving the newest treatments. Both patients and insurers have to face the reality that certain procedures and treatments are very expensive and cannot be given to everyone. What we need to debate is how to set up a system where the resources are allocated in the fairest, most humane way.

9. I SUPPORT A PURE COMPETITIVE HEALTH CARE MARKET

Many today argue that the country's health care problems can be solved solely through the market. However, there have been so many interventions that there is no longer a competitive health care market. For example, there are licensing restrictions that limit the number and types of providers. Patent laws protect new drugs. The tax system subsidizes the purchase of health insurance and many health care industries are tax exempt. Although using the market can help us solve the current health care problems, we need to look more deeply at current practices that hinder competition.

10. ISSUING A HEALTH CARE CARD WILL GUARANTEE HIGH QUALITY CARE FOR EVERYONE

I support simplified eligibility for health care, however, simply issuing a card will not guarantee high quality care. The ability to receive high quality care is tied to ability to generate wealth, both individually and as a country. We all know that individuals who are wealthy do not worry about high quality care because they have the personal resources to pay for it. What is true for the individual is true for the Nation. Our capacity as a nation to afford high quality care, will in the end, depend on our ability to generate additional wealth. We must continue to focus on education and job creation which improve our country's wealth as we work to reform the health care system.

In conclusion, I believe it is time to tell the truth to all Americans. When everyone is operating in an open and honest environment, we will be able to reform our health care system and begin to create a healthier America.

Mr. President, I essentially identify what I consider to be the top 10 irrelevant arguments on the issue of health care. The fact of the matter is that the American people say there is a crisis in health care.

We recently heard—my latest irrelevant argument—is there not a crisis? There is not a crisis for us who have our health care taken care of, but for an increasing number of Americans, indeed a majority of Americans feel like they are on this thin ice where if almost anything happens in their life, they will find themselves medically indigent.

The most courageous individual in the health care debate right now is the President of the United States who has introduced a very specific piece of legislation and has put himself at risk as a consequence and has indicated to all—there is only one indivisible principle that he has, only one principle he says that if it is not included in the legislation, that he is going to veto it, and that is health care legislation must be 100 percent universal. That is to say every single American has to be covered.

I am here to say that we have a lot of work to do to enact a piece of legislation. I think the CBO report is useful, in fact. It does give us an indication of what can be on- and off-budget. I share those who say Mr. Reischauer was courageous in stating his honest opinion of the impact of the President's legislation. But if we are going to get universal coverage, if we are going to enact a piece of legislation, then we are going to have to stop all the irrelevant arguments that I hear over and over and over.

For example, one of the irrelevant arguments is, should we or should we not have a mandate? Mr. President, we already have a mandate in place. Every employer pays a tax of 1.45 percent of their payroll, every employee pays a tax of 1.45 percent of their wages. It is mandated and in place right now. It goes for part A Medicare, and guess what part A Medicare really is? It is national health insurance. The only catch is, you have to be 65 before you are eligible.

So if you walk down on the floor here and say you are against a mandate, if you walk to the floor and say you are against national health insurance, it must inescapably follow that you are against Medicare. That is not what is going on.

I hear people say, "I'm against a big Government takeover of health care." And $450 billion this year will be collected in taxes and used to pay for health care—Government health care, Mr. President. If you are against a big Government takeover of health care, then for gosh sakes, identify what part of the Government you want to stop; where do you want to get Government out?

I think there is an emerging consensus in this body that begins by saying that there is a crisis; that this system is broken and it needs to be fixed. I believe that there is a bipartisan consensus to do just that. The President of the United States has not polarized the debate by indicating that he is unwilling to compromise. Quite the opposite. He has merely said that he wants to be able to go to bed at night, as I do, secure in the knowledge that every single American is covered. We can do that, Mr. President, I believe by focusing on those things that are indeed broken.

I would like to suggest four things we need to fix in a couple of minutes and then I will let the distinguished Senator from Massachusetts jump in. He is looking at his watch. I will try to give him enough time to talk before the vote.

Mr. President, the four things to me are, number one, the insurance system is broken. Indeed, the President needs to be given a great deal of credit for bringing the insurance companies to the table and saying they are willing to fix preexisting conditions, they are willing to end the problem of portability, they are willing to end the skimming going on today in the system, a system that provides an incentive only to insure those who are healthy. We need to fix what is wrong with the insurance system.

Second, our Medicaid system is broken, and I would identify that as the second most important thing we need to do.

Third, if we really want to move from a Government-controlled system, which we have today, to a more market-oriented system where individuals are more in control of making decisions about price and quality, then there are a number of things that we are going to have to change in our tax system.

Fourth, I believe there are a whole series of things that I identify as coming under the heading of accountability. Our system is unaccountable. We have an unaccountable system when we collect money in Washington; we have

an unaccountable system when an individual goes into a hospital; we have an unaccountable system when an individual finds themselves not able to get payment for something troubling them; we have a very unaccountable and difficult system.

I came here to say that I appreciate that the Republican leader and the distinguished senior Senator from New Mexico recognize the courage of Mr. Reischauer, but I hope they also recognize the courage of the President of the United States for pushing this issue to a point wherein if we do the work and stop the irrelevant arguments, we have the potential of being able to reform and enact legislation this year that will indeed extend coverage to every single American.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. Two minutes eleven seconds.

HEALTH SECURITY ACT

Mr. KENNEDY. Mr. President, this afternoon, in testimony before the House Ways and Means Committee, the Congressional Budget Office submitted its detailed views on President Clinton's Health Security Act.

CBO is usually a quiet place, but in recent months it has been the quiet at the center of the storm, as all sides in the health care debate have awaited CBO's analysis of President Clinton's Health Security Act.

Now, CBO's verdict is in, and after all the ideological smoke dissipates, it will be clear that CBO's analysis is a solid vote of confidence in the administration's plan. The plan is sound economically. The numbers add up. The CBO analysis concludes that the plan will provide health security for all Americans, and bring health care costs under control. No reputable study has concluded that any of the opponents' plans will reach those goals—not the Cooper plan, and certainly not any of the Republican plans.

There is a health care crisis today because too many families have no insurance and because health care costs are out of control. The President's plan deals effectively with these two basic issues. It guarantees coverage for every American. And it brings health care costs under control. It means that the economy will grow, our living standards will improve, and America will be able to compete more effectively in the international marketplace.

The CBO report specifically confirms that the long-term effect of the President's plan will be to reduce the Federal deficit. While there are differences between the OMB estimates and the CBO estimates, there is broad and welcome agreement by both budget agencies that the President's plan can be paid for by savings in the current system. The differences between the estimates are small, as the CBO analysis itself states. With further refinements in the cost data, the differences will be reduced. Only minor adjustments are needed in the program to assure that there is no increase in the deficit, even in the early years of the program.

For example, one significant difference between the OMB and CBO is the CBO believes employers will be able to manipulate the system to achieve greater savings than they are entitled to. By improving the enforcement mechanisms in the bill, that gamesmanship can be reduced or eliminated.

On the technical issue of budget treatment, CBO has been careful to describe the premium payments as receipts, not taxes. In asserting that these premiums should be part of the Federal budget, I believe that CBO is wrong.

Premiums under the Health Security Act are paid to private insurance companies, not to the Federal Government. Never before has money not paid to the Government and not spent by the Government been included in the budget.

The requirement that individuals and businesses contribute to the cost of private health insurance coverage is no different than the requirement to pay a minimum wage or to purchase auto insurance if you drive a car. None of these transactions are considered to be part of the Federal budget or State budgets. They are regulatory requirements that affect private sector activity, but the government does not collect or spend tax dollars.

As a matter of common sense, whatever the technical scoring of the program, the American people know that the premiums they paid for private insurance yesterday did not become governmental receipts today because of CBO's conclusion. Average citizens know that health insurance premiums under the President's plan are premiums—nothing more, nothing less.

The opponents of the President's plan and the special interest groups that stand to gain from continuation of the status quo will try to shift the debate away from CBO's fundamental conclusion—which is that the President's plan will guarantee universal, comprehensive health insurance coverage and save money at the same time.

The real issue is not the technical question of whether the President's plan or another plan should be included in the Federal Budget.

The real issue is which plan does the job of ending the Nation's health care crisis. By this standard, CBO's analysis is a convincing vote of confidence in President Clinton's plan.

None of the plans advanced by the President's opponents can claim a similar seal of budget approval.

Mr. JEFFORDS. Mr President, passage of the Goals 2000 bill is something to be proud of. In fact, it may turn out to be one of the most important pieces of legislation that we pass in many years. If this bill turns out to be the catalyst that we need to take action to improve America's schools, it may well be the most important bill of the decade.

Goals 2000 establishes goals that will lead to the kind of educational achievement that America needs. It is a sad commentary, however, that it has taken 10 years since the publication of "A Nation at Risk," and 6 years since the education summit to get around to passing this legislation.

Hard work remains. We have much to do to reform our schools to make them responsive to the needs of today and tomorrow. Even more important, we have a great challenge before us to help the children and families who are at risk, to make sure they see education as the way out of the cycle of poverty.

It is sad that we have let the situation go so long before taking action. The effect on our economy of our current school system is significant. Up to $1 trillion is lost in GDP because of our failure to educate our populace.

American business spends approximately $200 billion per year to perform remedial training for its employees. This is training necessary to provide these individuals minimum skills require to perform on the job.

The Department of Education estimates that 30 million adult Americans are functionally illiterate. Another 45 million are marginally illiterate. This creates a significant problem for our economy. "Combating Illiteracy in the Workplace," by Robert Goddard puts the cost of this illiteracy at a staggering $225 billion. This includes lost productivity, unrealized taxes, crime, welfare, health, housing, and other social costs.

We pay for our failed education system every time an individual drops out of high school. Lack of a high school degree costs an individual $440,000 in lifetime earnings. These lost earnings often drive these individuals into welfare, crime, and drugs. Federal expenditures for welfare were $208 billion per year and medical costs of violent crime amounts to $18 billion per year. Illegal drugs cost the economy $238 billion per year as estimated by Brandeis University. These difficult circumstances perpetuate themselves generation after generation.

We need an educated populace to keep pace with international competition. United States technology has led the world for decades, but the lead is being severely challenged. If we expect to maintain an active pace of technology development, we must have world-class scientist and engineers, and we must have a workforce that have the skills to work with leading edge technology.

Unfortunately, on a recent test of 13-year-olds from 11 nations, U.S. stu-

dents placed last in mathematics, and next to last in science. According to the National Assessment of Educational Progress, fewer than one in four U.S. fourth and eight grade students are able to meet high standards of performance in mathematics or reading.

Unfortunately, as we attempt to reverse these trends, we are losing one of our most effective and significant trainers, the military. With force levels declining from 2.2 million men and women to 1.4 million, the volume of military training will decline significantly. Military training provides a significant contribution to the skills and leadership of our young people. It also provides them with the ability to continue on to higher education. Approximately 150,000 fewer young men and women will get this training each year.

Many of our schools systems should be reformed. Those efforts are underway. But new methods and ideas are not the only solution. Our schools need additional funding.

One need only to look at the state of our laboratories and school buildings to see the need. Other ideas such as longer school years, and a longer school day also can be accomplished as soon as the necessary funds are available.

We need to start today to raise the priority of education in this country and work to find ways to provide funds that will give our school systems a chance to reach the goals in this bill. I am proposing that we increase Federal funding for education by 1 percent of Federal spending, about $15 billion, each year, until we reach 10 percent of the budget. This is approximately the cost of fully funding the education programs we have in current law, and the initiatives such as extending the school year, which are needed if we are serious about obtaining the goals we have set out in this legislation. Only then will we be able to tell whether this is an important bill, or just another empty promise.

I am pledged to make Goals 2000 an important milestone in our history.

EXECUTIVE SESSION

NOMINATION OF M. LARRY LAWRENCE, OF CALIFORNIA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND

The PRESIDING OFFICER (Mrs. FEINSTEIN). Under the previous order, the hour of 5 o'clock having arrived, the Senate will proceed to executive session to vote on the nomination of M. Larry Lawrence, of California, to become Ambassador to Switzerland. The clerk will report the nomination.

The legislative clerk read the nomination of M. Larry Lawrence, of California, to be Ambassador to Switzerland.

Mr. SIMON. Madam President, I have known Larry Lawrence for many years as a committed and involved member of the community. Larry Lawrence is a highly successful businessman who has been an active donor, sponsor, and fundraiser for a range of good causes. Some have been political, but many have not.

Larry Lawrence's nomination has generated some controversy. I believe that this controversy reflects honest debate about the nature of the job of our bilateral ambassadors. It is true that Larry Lawrence is not an expert on European affairs, and is not fluent in either of Switzerland's two major languages. In my view, however, Larry Lawrence has the character and necessary background—as a successful businessman with some significant international experience—to perform well as United States Ambassador to Switzerland.

Further, I would note that the post of United States Ambassador to Switzerland has been vacant for more than a year. It is time to fill the job and put the controversy behind us.

I will vote in favor of Larry Lawrence's confirmation, and I urge my colleagues to do likewise.

Mr. HATFIELD. Madam President, it is the prerogative of the President to choose his nominees and the responsibility of the Senate to consent to these nominations. I wish to indicate my strong support for the President's nomination of M. Larry Lawrence to be United States Ambassador to Switzerland.

The President's confidence in Mr. Lawrence is well-placed. He has a long history of public service and philanthropy in addition to a successful private sector career. He has been actively interested and involved in foreign affairs matters and served with distinction on the Nobel Prize nominating commission.

Tradition has held that our ambassadorial corps be chosen from both the career Foreign Service and from the Nation at large. It is my belief that Mr. Lawrence will bring a unique and important perspective to this post and I look forward to working with him after confirmation.

Mr. MATHEWS. Madam President, late last year President Clinton nominated Mr. Larry Lawrence to serve as Ambassador to Switzerland. Tonight, the Senate overcame the discreditable impulses that stalled the confirmation process. As a result, the United States will have the services of a superbly qualified ambassadorial appointment.

Larry Lawrence is a man of modest origins whose hard work built a fortune and whose good works earned him wide admiration. He is a living example of boot-strap accomplishment. Character and competence have distinguished him all his life. During World War II he was a merchant marine volunteer who received the Medal of Honor from our Russian allies for his heroic rescue of drowning fellow crewmen after their ship was torpedoed off Murmansk.

He has founded and managed more than 50 businesses in a proud career. His enterprises have encompassed banking, commercial development, travel, and tourism. These industries are central to the Swiss economy. They are industries in which the Swiss have eminent expertise.

Mr. Lawrence's background is perfect preparation for the prime task of the United States Ambassador to Switzerland: nurturing commercial, trade, investment, and business relationships with Switzerland and Swiss companies.

Mr. Lawrence's commitment to public service is as striking as his success in business. His biography is virtually a phone book of committees, organizations, councils, colleges, and advisory boards.

His civic contributions over the past 45 years are inspiring and humbling to those of us who believe we are committed to public service.

They include service to the State of California as vice chairman of tourism development. President Carter appointed him to the Federal Home Loan Bank Board. President Clinton asked Mr. Lawrence to attend his economic summit before taking office and to brief him on the eve of his recent visit to Geneva. He was cochairman of California's finance subcommittee on cost control in State government, chairman of the economic advisory board of San Diego, founding member of the World Affairs Council, and vice chairman of the Nobel Peace Prize nominating committee. The list goes on and on.

Yet, despite his obvious credentials as a businessman and civic servant, Mr. Lawrence was subjected to rebuke and vilification, mainly by the bureaucracy in the State Department who thought one of their own should have been nominated in his place. Testimony at his Senate Foreign Relations hearing set a new low in acrimony. In the weeks afterward, he was criticized publicly by figures in the Foreign Service Association and in FSA publications as "one of the last relics of the 19th century spoils system."

Yes, Mr. Lawrence has been and is active in supporting his chosen political party. I wish every American followed his example and became more active in the American political process. Two Presidents have called on his counsel, as have Governors, Congressmen and women, and State and local officials of both parties. And he always answered when called. If that was a reason to criticize him, I say his critics had a warped regard for the obligations of citizenship.

There are, indeed, career professionals in the Foreign Service who merit consideration as ambassador. In fact, I received an illuminating letter from one regarding Mr. Lawrence.

He said he was, in his words, "taking the unusual step of writing to you because I believe that Mr. Lawrence is well qualified to serve as U.S. Ambassador to Switzerland."

He cited not only Mr. Lawrence's apt and extensive background in business as perfect qualifications, but also Mr. Lawrence's contemplative and reflective personal disposition, which is so highly valued in the Swiss approach to relationships.

He concluded with a comment about Mr. Lawrence's adversaries: "* * * those in AFSA who have attacked Mr. Lawrence have done the State Department, and the United States, a major disservice."

I add that they also made an unconscionable attempt to intrude on the powers and responsibilities of the President, whose duty it is to select the ambassadors who represent us. The Constitution gives to the President and the Senate the sole and exclusive responsibility of passing judgment on persons who will be our ambassadors to other countries.

I find it ludicrous that an entrenched bureaucracy would attempt to interject its judgment over that of the President of the United States, particularly when it is well known that these same people coveted these appointments.

A former Republican-appointed ambassador to both France and Ireland made a telling case about that in his own letter of endorsement. He argued that the tradition of Presidential appointments is older than the Foreign Service itself. He disparaged the age-old objections from Foreign Service officers as "stale" and "blinkered to the reality."

He emphasized that Presidential appointees have infinitely greater access to the White House and the State Department than careerists in the Foreign Service. Foreign government officials whom our ambassadors deal with appreciate this access.

The issue driving the scurrilous and petulant censure of Mr. Lawrence was not his qualifications. His political adversaries were bothered by his advisory relationship with President Clinton—which an ambassador should have with his President, by the way.

What we heard from his foreign service critics was pettier than politics. It was an outburst of insecurity. Mr. Lawrence was simply the highest profile nominee they could find over whom to make their ill-taken point. They've got sour grape stains all over their self-importance.

I thank and commend my colleagues who supported Mr. Lawrence—and they are many in number. They did the right thing for Swiss-American relations and did the right thing by a distinguished American.

At this moment, Mr. Lawrence is working with the State Department, continuing to prepare himself for his post in Bern. He never stayed in this fight to win a bitter but pointless Washington-style confrontation by people who criticized him without knowing him. He put his good name on the line because he wants to be of further service to his country—as he's done all his life.

His is the highest impulse in public service. That's why I stood with Mr. Lawrence and President Clinton. I want to commend the President for nominating this worthy American. And again, I commend my colleagues in the Senate for allowing Mr. Lawrence to assume his duties as an effective advocate for American interests in Switzerland.

Mr. HELMS. Madam President, in just a few minutes, the Senate will be voting on President Clinton's nominee to be ambassador to Switzerland. As some of my colleagues may take note, it is not very often that the entire Senate is assembled to vote on an ambassadorial nomination. Well, it is not very often that the Senate is asked to vote on a nominee that is so obviously qualified only by the amount he has donated to political campaigns.

That, however, is not why I am here today. Before the Senate votes on Mr. Larry Lawrence's nomination, his relationship with the Foreign Relations Committee and with the Internal Revenue Service should be made a matter of public record.

Since Mr. Lawrence submitted his original papers to the committee last fall, he has amended his financial statement portion numerous times in response to allegations.

Mr. Lawrence corresponded with Chairman PELL 3 times in 3 days after it was brought to light in testimony during his confirmation hearing that Mr. Lawrence had not completed, to the fullest extent possible or to the extent required by law, his records of campaign contributions, or his current status of claims with the IRS.

It should be noted that the committee reported Mr. Lawrence's nomination on a 10–10 vote with Senators SARBANES, MOYNIHAN, FEINGOLD, HELMS, LUGAR, KASSEBAUM, PRESSLER, MURKOWSKI, JEFFORDS, and GREGG voting in the negative. It should also be noted that Mr. Lawrence made donations to at least six of the Senators who signed the cloture petition, not to mention at least ten other sitting members of the Senate.

Most importantly—just last Thursday, the committee received, and then distributed a detailed document regarding a tax case in which allegations of tax fraud were raised against Mr. Lawrence. Incidentally, Mr. Lawrence's attorneys did not choose to note this case or the allegation of fraud in his papers because they deemed him to be innocent.

I remind my colleagues that in carrying out its duty to advise and give its consent to a nomination, the Senate is obligated and expected to investigate fully the ethical, financial, moral and professional background of every nominee. The committee has only just compiled what is believed to be all the information Mr. Lawrence can supply; but there has obviously not been enough time to wade through the enormous amount of paperwork submitted.

The distinguished majority leader has rejected suggestions that a vote on this nomination be delayed pending a review of all documents relating to Mr. Lawrence and his various activities. I regret Senator MITCHELL's decision.

Mr. GLENN. Madam President, I rise today to speak on behalf of the nomination of M. Larry Lawrence to be U.S. Ambassador to Switzerland. I have known Larry Lawrence for over a decade. I know him to be an individual of personal integrity and I respect him for his considerable business development and management skills. I also know that Larry has had a life-long interest in foreign policy, as evidenced by his 25 year association with the San Diego World Affairs Council, of which he is a founding member. In addition, these days business experience such as Larry's will be a considerable asset, as U.S. posts abroad are taking a more active role in promoting U.S. commercial interests.

But most importantly, because of his long association with President Clinton, he enjoys the full and complete confidence of the President, a very important plus for any high level appointee. In the absence of any disqualifying factors, I believe the President should have his choice. And given my long acquaintance with Larry Lawrence, I am confident there are no such factors. With every expectation that Larry Lawrence will bring all of his considerable talents and energy to representing our country's interest in Switzerland, I recommend Larry Lawrence's confirmation without reservation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mr. Larry Lawrence, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland?

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSON], and the Senator from Illinois [Mrs. MOSELEY-BRAUN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and

the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—79

Akaka	Durenberger	Mathews
Baucus	Exon	McCain
Bennett	Faircloth	McConnell
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Murray
Boren	Gorton	Nickles
Boxer	Graham	Nunn
Bradley	Grassley	Packwood
Brown	Gregg	Pell
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burns	Hatfield	Reid
Campbell	Heflin	Riegle
Chafee	Hollings	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Kennedy	Sasser
Conrad	Kerrey	Shelby
Coverdell	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Stevens
Daschle	Leahy	Thurmond
DeConcini	Levin	Warner
Dodd	Lieberman	Wofford
Domenici	Lott	
Dorgan	Mack	

NAYS—16

Byrd	Kempthorne	Smith
Craig	Lugar	Specter
Dole	Metzenbaum	Wallop
Feingold	Moynihan	Wellstone
Helms	Murkowski	
Kassebaum	Sarbanes	

NOT VOTING—5

Breaux	Hutchison	Moseley-Braun
Gramm	Johnston	

So the nomination was confirmed.

Mr. MATHEWS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will consider the following nominations, en bloc:

Calendar No. 531, K. Terry Dornbush, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Calendar No. 534, Thomas L. Siebert, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Calendar No. 535, Sidney Williams, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of the Bahamas.

Foreign Service nominations beginning Frank Almaguer, and ending James R. Dempsey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 5, 1993.

The nominations were considered, and confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

Mr. PELL. Madam President, the Senate has pending before it the following nominations: K. Terry Dornbush to be Ambassador to the Kingdom of the Netherlands; Thomas L. Siebert to be Ambassador to Sweden; Sidney Williams to be Ambassador to the Commonwealth of the Bahamas; and M. Larry Lawrence to be Ambassador to Switzerland.

Mr. Dornbush's nomination was submitted to the Senate on October 14, 1993. The Foreign Relations Committee held a hearing on November 17, and on November 18, by a vote of 14 to 6, favorably reported out the nomination with the recommendation that it be confirmed.

The nomination of Mr. Siebert was received by the Senate on October 14, 1993. A hearing was held by the committee on November 10 and on November 18, by a vote of 12 to 8, the nomination was favorably reported out of committee with the recommendation that it be confirmed.

The nomination of Mr. Williams was sent up to the Senate on October 14, 1993. A hearing was held on November 16 and on November 18, by a vote of 14 to 6, the committee favorably reported out the nomination.

The nomination of Mr. Lawrence was submitted on October 25, 1993. A hearing was held on November 10. On November 18, the committee voted 10 to 10 on a motion to favorably report Mr. Lawrence's nomination to the Senate with the recommendation that it be confirmed. Upon failure of this motion to pass, the committee, by voice vote, agreed to report the nomination to the full Senate without recommendation.

It is important for the Senate to confirm these nominations today.

Each of the four important posts has been vacant for some time. The United States has been without an ambassador to Sweden since August 1992; our last ambassador to The Hague left post more than 1½ years ago; and the Bern and Nassau posts have been vacant since last March. I believe it is detrimental to U.S. foreign policy for us not to have had representation at the ambassadorial level for such a long period of time.

The United States has worked closely with the Bahamian Government on counternarcotics issues—the most important issue in the bilateral relationship—and our countries have enjoyed good relations. However, at this time the U.S. counternarcotics strategy in the Caribbean is uncertain and the nature of cooperation may change. Having a U.S. ambassador in place as that relationship changes will be critical to easing the transition.

In the post-cold-war era, we are working very closely with Sweden on such issues as reform in the Baltic countries, the conflicts in Somalia and in the former Yugoslavia, the Conference on Security and Cooperation in Europe [CSCE], and the Comprehensive Test Ban Treaty. It is in the United States interest to expand our bilateral cooperation in these and other areas, but to do so effectively, we need a strong spokesman for U.S. policy resident in Stockholm. We also should be creating opportunities for enhanced United States exports to Sweden's relatively open economy, and to protect United States economic interests as Sweden concludes an accession agreement with the European Union. Again, the absence of a U.S. ambassador reduces U.S. presence and influence.

It is my understanding that the absence of a United States ambassador is a topic of regular media and public comment in Holland, our NATO ally, and an active member of the European Union. At a time when the Netherlands and the rest of NATO are reassessing their role in Europe, discussing how we should build bridges with the countries of Eastern Europe, and considering how to respond to the crisis in former Yugoslavia, I believe that it is important for us to have an ambassador at The Hague. As President Clinton noted when he welcomed Prime Minister Lubbers to the White House on January 4, our relationship with the Netherlands spans the full range of European and international security issues as well as trade, economic, and commercial issues.

The United States has important economic and political interests at stake in Switzerland. United States exports to Switzerland approach $5 billion annually, and an activist United States ambassador could help us do even better. Switzerland is not a member of the European Union, and according, it, more than some other European countries, looks to the United States for expanded trade and investment ties, which can translate into American jobs. On the political front, Switzerland is reassessing its participation in regional and international affairs—in export control regimes, anticrime and terrorism activities, security cooperation, reform in the former Soviet Union and Eastern Europe, and aid to Middle East peace. A United States ambassador in place will strengthen our diplomatic effort to encourage Switzerland to become an active partner in these and other areas.

I ask unanimous consent that the certificates of competence submitted

to the committee with respect to each of these nominees together with appropriate biographical material be printed in the RECORD. I urge my colleagues in the Senate to vote to confirm these pending nominations.

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

K. TERRY DORNBUSH

BIOGRAPHIC SUMMARY

Name: K. Terry Dornbush.

Position for which considered: Ambassador to The Kingdom of The Netherlands.

Present position: Private Investor.

Legal residence: Georgia.

Office address: Atlanta, Georgia.

Date/place of birth: October 31, 1933; Atlanta, Georgia.

Home address: Atlanta, Georgia.

Marital status: Married.

Name of spouse: Marilyn Pierce Dornbush.

Names of Children: Laura D. Iarocci; Kirk T. Dornbush, Jr.; Claire D. Archer.

Education: B.A., Vanderbilt University, 1951-55; Emory University School of Law, 1955-56, no degree; New York Institute of Finance, 1956-57, Security Analysis.

Language Ability: Currently enrolled at FSI for Dutch Language training; German (Limited).

Military experience: U.S. Army Reserve—436th Civil Affairs; Military Government Company, 1957-65; Active Duty: April—October 1957.

Work experience:

1989—Present: Private Investor, Atlanta, Georgia.

1970—Present: Director, New York Venture Fund, (and subsequently acquired or formed) Retirement Planning Funds of America, Inc., Ventgure Income Plus, Inc. and Venture Muni Plus, Sante Fe, New Mexico and New York, NY.

1971—Present: General partner, Stephens Woods Associates, Atlanta, Georgia.

1979—Present: General Partner, Yulee Limited Partnership, Atlanta, Georgia.

1986-Present: General Partner, Triangle Investment Limited Partnership, Nassau County, Florida.

1983-Present: General Partner, Dorn Associates, Atlanta, Georgia.

1981-Present: General Partner, KTR, Limited, Atlanta, Georgia.

1981-Present: Proprietor, The Dornbush Company, Atlanta, Georgia.

1988-1990: Chairman of the Board, The Dornbush Group, Inc., Atlanta, Georgia.

1988-1990: Director, The Dornbush Group System, Inc., Atlanta, Georgia.

1988-1990: Director, The Dornbush Group International, Inc., Atlanta, Georgia.

1983-1990: Director, Knight Transportation Company, Inc., Atlanta, Georgia.

1976-1990: Director, Southeastern Bonded Warehouses, Inc., Atlanta, Georgia.

1981-1990: Director, WFI Transport, Inc., Atlanta, Georgia.

1988-1990: Vice Chairman of the Board, American Western Corporation, Sioux Falls, South Dakota.

1980-1989: Chairman and Chief Executive Officer, Dixie Bag Company, Atlanta, Georgia.

1978-1986: President, Egmont Investment Company, Atlanta, Georgia.

1981-1987: President, DOAG USA Inc (subsidiary of DOAG Warenhandels, AG, Hamburg, Germany).

1978-1986: Chairman of the Board, Thermo-Materials Corporation, Atlanta, Georgia.

1975-1980: Founder, Director, Chairman of Audit and Finance Committees, First Women's Bank, New York, New York.

1968-1974: Executive Committee, Board of Directors; Consultant; Hickory Furniture Company, Hickory, North Carolina.

1955-1969: Partner, Corporate Finance Department, Courts and Company, Atlanta, Georgia.

Organizational affiliations: Capital City Club; Cathedral of St. Phillip (Episcopal), Atlanta, Georgia; Skin Cancer Foundation Advisory Council; Vanderbilt University Alumni Board of Directors.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Kingdom of the Netherlands.

Candidate: K. Terry Dornbush.

Kirk Terry Dornbush is a private investor and successful businessman in Atlanta, Georgia. His career encompasses more than 35 years of experience in corporate finance, international business, banking, real estate and entrepreneurial endeavors. Since 1970, he has been Director of New York Venture Fund. Mr. Dornbush is a General Partner with the following groups: Stephens Woods Associates, Yulee Limited Partnership, Triangle Investment, Dorn Associates, and KTR, Limited. In addition, since 1981 he has been Proprietor of The Dornbush Company. From 1980 to 1989, Mr. Dornbush was Chairman and Chief Executive Officer of the Dixie Bag Company. In 1975, he founded the First Women's Bank of New York and served as a Director until 1980.

Mr. Dornbush also is active in civic causes. He is on the Skin Cancer Foundation Advisory Council and is member of the Cathedral of St. Phillip. Mr. Dornbush has established fellowships for graduate work in economics at Vanderbilt University and for post-doctoral work in child neuropsychology at Georgia State University. In addition, he is on the Vanderbilt University Alumni Board of Directors.

Mr. Dornbush was born on October 31, 1933 in Atlanta. He graduated from Vanderbilt University in 1955 and attended the Emory University School of Law from 1955 to 1956. From 1956 to 1957, Mr. Dornbush attended the New York Institute of Finance. He is married and has three children.

Mr. Dornbush's extensive and successful business and civic experience make him an excellent candidate for United States Ambassador to the Kingdom of the Netherlands.

THOMAS L. SIEBERT

BIOGRAPHIC SUMMARY

Name: Thomas L. Siebert.

Position for which considered: Ambassador to Sweden.

Present position: Of Counsel, Besozzi, Gavin & Craven, Washington, DC.

Legal residence: Maryland.

Office address: 1901 L Street NW., Suite 200, Washington, DC. 20036.

Date/place of birth: May 2, 1946, Cleveland, Ohio.

Home address: Annaplis, Maryland.

Marital status: Married.

Name of spouse: Deborah Simpson Siebert.

Names of children: (age 14); Lauren Elizabeth Siebert (age 11); Thomas Leland Siebert, II (age 6); Trevor Chapman Siebert (age 1).

Education: A.B., Georgetown University, 1968; J.D., Georgetown University Law School, 1972.

Language: French (moderate speaking/writing abilities).

Military experience: None.

Work experience:

1993—Of Counsel, Besozzi, Gavin, & Craven, Washington, DC.

1987—1993: Of Counsel, Besozzi & Gavin; Washington, DC.

1985—1987: Partner, Hennessey, Stambler & Siebert, P.C., Washington, DC.

1978—1985: Partner, Lovett, Ford, Hennessey, Stambler & Siebert, Washington, DC.

1971—1978: Associate, Pittman, Lovett, Ford, & Hennessey, Washington, DC.

1968-1971: Aide, Office of U.S. Senator Carl Hayden.

1966-1968: Volunteer, Office of U.S. Senator Robert F. Kennedy.

1965-1966: Intern, Office of Congressman Robert E. Sweeney.

Honors/awards: Georgetown University Law School: Law Policy in International Business Law Review (1970-1972).

Organizational/affiliations: Member, Board of Regents, Catholic University, 1989—Present; Member, Board of Visitors, St. John's College, 1989—Present; Member, United States Naval Academy Midshipmen Program, 1989—Present; Member, United States Naval Academy Catholic Church, 1977—Present; Member, St. Mary's Catholic Church, 1977—Present; Member, Maryland Hall for the Creative Arts, 1990—Present; Member, Annapolis Association, 1989—Present; Member: The District of Columbia Bar Association; Bar Association of the District of Columbia, American Bar Association, and the Federal Communications Bar Association.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Sweden.

Candidate: Thomas Leland Siebert.

Thomas Leland Siebert has served Of Counsel in the law firm of Besozzi, Gavin & Craven, and its predecessor, Besozzi, & Gavin, in Washington, D.C., since January 1987. Mr. Siebert was a Partner in another Washington, D.C., law firm for the previous nine years. He worked in the office of U.S. Senator Carl Hayden as an Aide from 1968 to 1971. Mr. Siebert also worked as a volunteer in the office of U.S. Senator Robert F. Kennedy from 1966 to 1968, and in the office of Congressman Robert E. Sweeney as an Intern from 1965 to 1966.

Throughout his career, Mr. Siebert has been involved in many civic activities. He has served on several PTA boards since 1984 and is currently serving on the PTA board of the Key School in Annapolis, Maryland. He is a member of several community associations in Annapolis and Washington, D.C. Mr. Siebert is currently a member of the Maryland Hall for the Creative Arts and the U.S. Naval Academy Midshipmen Program.

Mr. Siebert was born on May 24, 1946, in Cleveland, Ohio. He graduated from Georgetown University Law School in 1972, and speaks and writes French moderately. He is married and has four children.

Mr. Seibert's successful career as an attorney and his extensive involvement in a number of civic activities make him an excellent candidate for United States Ambassador for Sweden.

SIDNEY WILLIAMS

BIOGRAPHIC SUMMARY

Name: Sidney Williams.

Position for which considered: Ambassador to the Commonwealth of the Bahamas.

Present position: Sales Consultant, Mercedes Benz.

Legal residence: California.

Office address: 6353 Sunset Boulevard, Hollywood, California 90028.

Date/place of birth: March 24, 1942, Shreveport, Louisiana.

Home address: Los Angeles, California.

Marital status: Married.

Name of spouse: Maxine Waters.

Name of children: Edward K. Waters and Karen P. Titus (Stepchildren).

Education: B.A., Southern University, 1964; M.S., Pepperdine University, 1973.

Language ability: None.

Military experience: U.S. National Guard, 1964–65 (active duty); U.S. National Guard, 1965–70 (reserve).

Work experience:

1979—Present: Sales Consultant, Mercedes Benz, Hollywood, California.

1983–1993: Speaker/Mentor to Youth Groups on events such as King Holiday, Career Days, Black History Month.

1976–1979: Project Manager, City of Los Angeles Community Redevelopment Agency, Los Angeles, California.

1974–1976: Legislative Aide, Los Angeles City Council, 10th District, Los Angeles, California.

1966–1974: Business Developer, Black Economic Union, Los Angeles, California.

1964–1969: Professional Football Player: Cleveland Browns, Cleveland, Ohio; Washington Redskins, Washington, D.C.; Baltimore Colts, Baltimore, Maryland; Pittsburgh, Pennsylvania.

Organizational affiliations: Member, Board of Directors, Southwest Community College Foundation; Member, Alpha Phi Omega Fraternity; Member, National Association for the Advancement of Colored People (NAACP).

Awards: Member, Cleveland Browns 1965 NFL Championship Team; Member, Athletic Hall of Fame, Southern University; Recipient, 4-Year Athletic Scholarship, Southern University.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Commonwealth of the Bahamas.

Candidate: Sidney Williams.

Sidney Williams is a prominent figure in the publication entitled, "Men of Courage", published by Carnation Company. Mr. Williams' impressive accomplishments and community service earned him recognition in this outstanding journal of high achievers. A leading sales consultant with Mercedes-Benz since 1979, he initiated new sales strategies that earned record profits for his company. From 1976 to 1979, he was project manager for the Community Development Agency of the City of Los Angeles. He pioneered neighborhood revitalization programs that involved resident planning, government low interest rate loans and private sector contractors. His superb negotiating skills resulted in significant home improvements for numerous families and neighborhood revitalization.

Mr. Williams also served as legislative deputy in the Los Angeles City Council from 1974 to 1976. He researched and crafted legislation, organized legislative hearings and assisted in budget preparation.

From 1966 to 1974, Mr. Williams was a business developer for the Black Economic Union where he assisted in the development of business plans for small business owners and capital formation for struggling entrepreneurs.

In addition, Mr. Williams developed strong discipline, strategic thinking and negotiating skills as a professional football player for the Cleveland Browns and the Washington Redskins of the National Football League from 1964 to 1969. Mr. Williams serves on the Board of the Southwest Community College Foundation, and is a past board member of the Kazi House, a drug abuse and rehabilitation center and past board member of the Minority Junior Golf Association.

Mr. Williams has travelled with the L.A. Rams football team to England, Germany, and Japan as special adviser to Rams owner Georgia Fontiere. He has also assisted in the negotiations and the production and operations of the games in those countries.

Mr. Williams was born on March 24, 1942 in Shreveport, Louisiana. He graduated from Southern University in 1964 and received his M.S. from Pepperdine University in 1973. He is married.

Mr. Williams and his family have spent many of their vacations in the Bahamas. He has a deep respect for the Caribbean culture and will make an outstanding representative for the President to the Commonwealth of the Bahamas.

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Switzerland.

Candidate: M. Larry Lawrence.

M. Larry Lawrence is a successful businessman and active civic leader in California. Since 1986, he has served as the Chairman and Chief Executive Officer of the Hotel del Coronado Corporation. From 1963 to 1986, Mr. Lawrence was Chairman, President, and Chief Executive Officer of Del Properties Incorporated. Prior to 1963, he was a top executive with a number of different real estate companies.

Throughout his career, Mr. Lawrence has been very active with community groups in San Diego and with other national civic organizations. He is on the National Advisory Board of the Center for National Policy and, since 1972, has been the Chairman for the Israel Bond Campaign. He was a member of the Task Force on Housing for the Urban Coalition and, from 1984 to 1985, Mr. Lawrence was Vice Chair of the Nobel Peace Prize Nominating Commission. He has received a number of honors including the Outstanding Community Leadership Award from San Diego State University and the Gold Medal commemorating the 40th Anniversary of the State of Israel.

Mr. Lawrence was born on August 16, 1926 in Chicago. He attended the University of Arizona from 1945 to 1947. He is married and has four children.

Mr. Lawrence's long involvement in business, civic and public service activities and his close relationship with the President make him an excellent candidate for United States Ambassador to Switzerland.

BIOGRAPHIC SUMMARY

Name: M. Larry Lawrence.

Position for which considered: Ambassador to Switzerland.

Present position: Chairman and Chief Executive Officer; Hotel del Coronado, Coronado, California.

Legal residence: California.

Office address: 1500 Orange Avenue, Coronado, California 92118.

Date/place of birth: August 16, 1926, Chicago, Illinois.

Home address: Coronado, California.

Marital status: Married.

Name of spouse: Shelia Davis Lawrence.

Number of children: Leslie Ann Caspi, Robert Scott Lawrence, Andrea Sue Lawrence, Stephanie Kinnamon Lawrence.

Education: University of Arizona, 1945–47.

Language: None.

Military experience: United States Merchant Marines, 1944–45.

Work experience:

1986–Present: Chairman and Chief Executive Officer, Hotel del Coronado Corporation.

1963–86: Chairman, President and Chief Executive Officer, Del Properties Incorporated.

1960–63: Owner and Chief Executive Officer, M. Larry Lawrence & Associates.

1954–60: Vice President, Tri-W Builders.

1950–54: Vice President, Great American Homes.

1948–50: President, Century Incorporated.

Honors/awards: Rotary, Paul Harris Fellow; Who's Who in America; California; World Jewry; Man of the Year, City of Coronado and County of San Diego; San Diego Citizen of the Year; Recipient, Alumni Achievement Award, University of Arizona; Recipient, Israel 40th Anniversary Gold Medal; Beta Gamma Sigma Honor Society; Outstanding Community Leadership Award, San Diego State University; The Alexis de Tocqueville Society-United Way; Israel Bonds Prime Minister's Club; Recipient, Russian Federation 40th Anniversary of the Victory in the Great Patriotic War Medal; Man of the Year, Saint Vincent de Paul Village.

Memberships/affiliation: National Advisory Board, Center for National Policy; Chairman, Economic Advisory Board of San Diego County, San Diego, California; Charter Member, California State Senate Commission on Efficiency and Cost Control in State Government; Life Member, the Guardians; Charter Life Member, San Diego University History Research Center; Navy League of the United States, 1976–84; Chairman, Israel Bond Campaign, 1972–93; Director, Greater San Diego Sports Association, 1980–84; Director, Vietnam Veterans Leadership Program of San Diego, Inc., 1980–84; Vice Chair, Nobel Peace Prize Nominating Commission, 1984–85; Life Member, President's Club, University of San Diego; John F. Kennedy Library Foundation Board; President's Council, Scripps Clinic and Research Foundation, 1984–93; The American Israel Public Affairs Committee Board, 1980–89; International Center for Development Policy, 1987–88; The Wellness Community Advisory, 1987–89; American Merchant Marine Veterans Association, 1975–93; Executive Committee, The Joan Kroc Hospice Center, 1987–88.

Mr. DODD. Madam President, I rise in support of the nomination of Sidney Williams to be the United States Ambassador to the Commonwealth of the Bahamas and I urge my colleagues to vote in favor of this nomination.

While there is no simple formula for a U.S. ambassador, there are certain qualities we look for in any candidate for such a position. We expect our ambassadors to have an ability to negotiate, an ability to listen and learn, and a solid record of achievement.

It is in this context that we consider Sidney Williams to be our Ambassador to the Bahamas. The Bahamas is perhaps not commonly regarded as our most strategic or our most essential

ally in this hemisphere. But our relations with the Bahamas are very important to be sure, especially in the context of the illicit drug trade and the need for the Bahamas' continued cooperation in stemming that evil tide.

Over the course of his career, Mr. Williams has had a wide range of professional experiences, from playing professional football to helping small businesses to working in local government. And there is ample evidence to suggest that he has done them well. This wide range of activities and experiences will no doubt serve him well in his new position should he be confirmed as our Ambassador to the Bahamas.

Since 1979, Mr. Williams has been a leading sales consultant with Mercedes-Benz, helping to formulate and to implement new sales strategies. From 1976 to 1979, he served as the project manager for the Community Development Agency of the city of Los Angeles, pioneering neighborhood revitalization programs. From 1974 to 1976, Mr. Williams served as a legislative deputy in the Los Angeles City Council, where he researched and crafted legislation, organized legislative hearings, and assisted in budget preparation.

From 1966 to 1974, Mr. Williams served as a business developer for the Black Economic Union, where he assisted in the development of business plans for small business owners and capital formation for struggling entrepreneurs. And from 1964 to 1969, Mr. Williams played professional football for a number of teams, including the Cleveland Browns, the Washington Redskins, and the Baltimore Colts.

Last November, I chaired a hearing on Mr. Williams in the Subcommittee on Western Hemisphere Affairs. I have also had the pleasure of meeting and getting to know Mr. Williams throughout the course of the nomination process. On the basis of these and other discussions with the nominee, I am confident that Sidney Williams will do an effective and capable job as our representative in the Bahamas, and I urge my colleagues to vote in favor of this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 1804.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. This statement expresses my views and those of Senator KASSEBAUM on the National Skills Standards Board.

The managers' amendments to the Goals 2000 legislation included modifications to provisions in title V, the National Skills Standards Act. The following is an explanation by the managers of those provisions:

EMPLOYEE REPRESENTATIVES IN VOLUNTARY PARTNERSHIP

The employee representatives who are to be included in the voluntary partnerships are individuals recommended by national labor organizations representing employees in the occupation or industry for which a standard is being developed, and other nonmanagerial employees with significant tenure or experience, where appropriate, given the nature and structure of employment in that occupation or industry. Under this provision, this latter category of nonmanagerial employees may constitute the only employee representatives in the partnership if there are no employees represented by a national labor organization in the industry or occupation for which standards are being developed.

HUMAN RESOURCE PROFESSIONALS

The managers intend that the individuals appointed to the National Skills Standards Board under the category of certified human resource professionals be neutral, qualified experts in their field. The managers understand that there are organizations that certify human resource professionals as having met specific requirements attesting to their expertise and experience in the human resource field.

USE OF THE NATIONAL SKILLS STANDARDS BOARD'S ENDORSEMENT

The legislation prohibits the endorsement or lack of an endorsement of a skill standards system by the National Skills Standards Board to be used in any action or proceeding to establish that such system conforms or does not conform to the requirement of civil rights laws. It is the managers' intent that this title neither diminishes nor expands any of the protections provided under Federal civil rights laws, including the 1991 Civil Rights Act. Since the managers expect the skill standards developed under this title to relate to broad clusters of occupations and not to be designed for a particular job, the managers believe it would be inappropriate for the courts to give weight to the fact that the Board endorsed or did not endorse a standard in determining whether such standard is properly used in a particular case. Therefore, the use of the endorsement or lack of an endorsement, in and of itself, is prohibited. However, the managers intend that this prohibition would not prevent any studies or other information developed by the partnerships or the Board relating to a skill standard from being used in such legal proceedings where such studies or information is relevant to a particular position in question, in accordance with the requirements of current civil rights bill.

APPRENTICESHIP AMENDMENT

The managers intend that the purpose of the amendment is to clarify that in endorsing skill standards the National Board should not only ensure that skill standards meet or exceed the highest applicable standards used in other countries or the highest applicable international standards, but also the highest applicable standards used in the United States, including the apprenticeship standards registered under the National Apprenticeship Act. This clarification ensures that the standards endorsed by the Board are, in fact, the highest standards in the world. The intent of this amendment is to ensure that board-endorsed standards contribute to the development of a high skills, high performance work force in the United States that is second to none, and are not used to undercut or dilute any existing standards.

Under this amendment, where there are existing standards specific to the particular occupation and industry for which proposed standards are being endorsed, it is intended that the proposed standard meet or exceed those existing standards. However, it is important to note, that it is intended that the Board will primarily develop standards for broad clusters of occupations. These standards will be sufficiently general in nature to allow industries and employers to adapt and refine the standards to meet their particular needs. Therefore, for many of these occupational clusters, there may not be any existing standards that are applicable. In other cases, there may only be sections of existing standards that would be applicable.

ADMINISTRATIVE COST LIMIT

The managers' amendments include a provision to facilitate the start up of the National Board by delaying the application of the 20-percent administrative cost limitation until fiscal year 1995. The managers recognize that prior to awarding grants to voluntary partnerships to develop skill standards, the National Board will have to carry out a number of preliminary activities, such as the hiring of staff, arranging for facilities, developing criteria for awarding the grants and endorsing standards, and encouraging the formation of partnerships, that will necessitate a significant proportion of administrative expenditures, for example, conducting meetings and conferences to promote and ensure public participation in many of these activities. These upfront costs require that flexibility be provided to the National Board with respect to cost categories during fiscal year 1994. However, this provision is not intended to encourage the National Board to expand all first year funds on administration and the managers urge the National Board to move as expeditiously as it can in a responsible manner to be in a position to award grants to the partnerships and carry out its additional supportive activities.

Mr. ROBB. Mr. President, I am pleased to join so many of my colleagues today in supporting S. 1150, the Goals 2000 Educate America Act. This bill has been developed in a bipartisan manner by distinguished Senators on both sides of the aisle who care very deeply about the quality of education in our Nation.

And the result of that hard work and cooperation is an eminently reasonable bill that makes the Federal Government a better partner with States and localities in improving public education in this country, while allowing the most important decisions on the direction of educational reform to remain where they should be—right with our States and our communities.

Mr. President, during the time that I was privileged to serve the people of Virginia as Governor, I made education a top priority. By making many tough choices, we were able to put a billion dollars in new money into public education. We raised teacher salaries and toughened standards, created the first year-round Governor's Schools for the Gifted and the Commonwealth's first electronic classroom.

Our students responded, Mr. President, with test results which surpassed the national average in every category for the first time ever.

I recall, as Governor, testifying before congressional committees, and asking, not for more Federal dollars, but for freedom from more Federal mandates.

This bill is not another Federal mandate, Mr. President. Rather, it is a voluntary program which provides flexible incentives to interested States to work to improve their public schools.

Some of my constituents expressed concern to me that, to qualify for the Goals 2000 funding, States must undertake fundamental restructuring. While I believe we need to improve the status quo in many ways. I did not believe that the term fundamental restructuring, which was included in section 306(a) of the committee-passed version of S. 1150, accurately reflected the reasonable State and local flexibility inherent in the plan's approval criteria.

For that reason, I asked the chairman of the Labor Committee, Senator KENNEDY, if he would simply eliminate the words fundamental restructuring in portraying the State improvement plan in that section of the bill. Senator KENNEDY kindly deleted these words in the managers' amendment offered during floor consideration of S. 1150, and I appreciate his willingness to work with us in addressing a concern expressed to me by some Virginians very interested in this legislation.

Mr. President, I am supporting S. 1150 because it gives our States an additional tool in crafting their own State and local reform efforts. With this new funding States can, if they choose, work to establish tough academic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

I support all of these important goals.

As a Nation, Mr. President, we can make no better investment in our future than to make an honest investment in our children's education. I urge my colleagues to join me in supporting S. 1150.

Mr. CHAFEE. Mr. President, today the Senate approved the Goals 2000: Educate America Act. Regrettably, I was not here earlier in the day to vote on many of the remaining amendments to Goals 2000. As some of you may know, I was at home in Rhode Island attending the funeral of a young police officer, Steven Shaw, who was slain in the line of duty.

Goals 2000 is a very important step toward achieving the improvements in education that our Nation's children deserve and that we have been discussing for a decade. Since the issuance nearly 10 years ago of the special report, "A Nation at Risk," our focus has been on what is wrong with education. This bill encourages States, local education agencies, and individual schools to look at what is right in education and to use that as a model for improvement and reform.

To help in encouraging this practice, the National Education Standards and Improvement Council will develop national opportunity-to-learn standards, content standards, and student performance standards and assessments. This does not mean that the Federal Government will dictate to schools in Providence and Cranston, or anywhere else in Rhode Island or the Nation, what goes on in the classroom. Rather, the Council will develop guidelines that States receiving grants through this legislation should consider in the development of education reform plans. In other words, the Council is charged with developing standards to stimulate improvement at the local school level. After all, it is the principals, administrators, teachers, and parents who know best about the strengths and weaknesses of their own schools.

This bill takes a bold and positive approach by recognizing that every child has the ability to learn and by taking steps to assure that the tools are available to enable all children to reach their full potential. Setting high standards for teaching and learning and making sure that students have mastered the material presented to them is long overdue.

An effort was made to divert funds authorized in this legislation for a private school choice demonstration program. Supporters of private school choice often suggest that this will encourage competition between public and private schools. Presumably competition should occur on a level playing field, but the playing field between public and private schools is far from level. Private schools can refuse to accept a child with disabilities. They can refuse to accept a child who may pose disciplinary problems. They do not have to take a child whose principal language is one other than English. In the public schools in Providence, there are children from families who speak one of 82 different languages at home! Private schools are able to pick and choose the children they will accept.

We don't need to fund a demonstration program to know what the results of such a program would be. The results would show that the public school children who were sent to the private schools did better than the average public school child. Why would it show that? Because the children selected from the public schools would be the high achievers, the children without disciplinary problems, the children without learning disabilities. They would be the children from homes whose principal language is English. They also would be the children from motivating families with parents who play an active role in their children's education. The students who pose the greatest challenges to our public school system would not be affected because the private schools would reject them. The final result would be that the private schools would skim the high achievers from the public schools, and the public schools would be left with all the challenges.

I am very pleased that the committee included in the bill that was brought to the floor a measure I strongly supported: a seventh goal for increased parental participation. This is a provision that was endorsed by both the national and the Rhode Island PTA. It is clear to me that without parental involvement in education, there will be no real reforms and improvements. This goal calls upon parents to become partners with their children's schools. I believe that parents must play an integral role in the education of their children. Experience has taught us that children whose parents are actively involved in the educational process simply do better in school than children whose parents or families are disengaged.

This bill includes other important amendments related to parental involvement that I cosponsored: the Parents as Teachers Program [PAT] and the Home Instruction Program for Preschool Youngsters [HIPPY]. Both of these programs operate successfully in Rhode Island and across the Nation. Their purpose is to ensure that all children start school on the right foot.

For many of us, having our children's eyes and ears tested is as natural as reading a bedtime story to them. Unfortunately, many new parents are unaware of, or unable to provide, proper health screening for their very young

children—just as they are not familiar with the benefit, and pleasure, of reading to their very young children. The PAT program enables eligible parents of newborns to 3-year-olds to receive instruction and assistance in their own homes on the most beneficial ways of encouraging children to reach their full potential. HIPPY offers similar instructional assistance to children ages 3 to 5. The first goals of Goals 2000 is, "All children will begin school ready to learn." These two important programs, with a proven track record of success, will help us to achieve that goal. Many experts agree that the foundation for learning that is laid in early childhood can be the most critical element in an individual's future success.

I want to take a moment to focus on a particularly important challenge that—unfortunately—our schools face today. The role of our schools has changed drastically in the past three decades, and schools have taken on extraordinary new burdens. Today we are seeing youngsters with learning disabilities; youngsters who don't get enough to eat; youngsters born with a drug or fetal alcohol problem; youngsters from totally shattered families. As a society we expect that our schools will take in these children and help make them whole. That is quite a task, and it means that educating these children is that much more difficult. Yet in the face of these increasing challenges, we now have an element that makes our work even more difficult: and that element is guns.

There are 72 million handguns in this country, and their number is increasing at the staggering rate of 2 million per year. The sheer number of these guns is impacting heavily on our schools, for if these guns are in general circulation, there is no doubt that they will end up in our schools as well.

Children of all ages, in every State across the Nation, have access to guns. Just last November, a joint study by Newsweek magazine/Children's Defense Fund found that 31 percent of the youngsters surveyed knew where to go to get a handgun if they wanted one. It should come as no surprise, therefore, that the Centers for Disease Control and Prevention estimates that 4 percent of high school students carry a handgun at least once a month; with 16.7 million high school students, that percentage translates into a whopping 666,000 teens who are toting guns.

If handguns are being carried regularly by children, you can be sure that they are being carried into our Nation's schools. An estimated 270,000 boys have brought a gun to school at least once, and 135,000 boys are believed to bring a gun to school every day! The presence of these guns creates a terrible ripple effect: a child sees another student carrying a handgun, and decides to carry his or her own gun just to be safe. Then that child is seen by another child, and so on, and so on.

When I was Governor in my State, the worst one might hear of at the schools was a fistfight. A gun incident, or shooting, was unheard of. My State is not a major urban area. Yet this year we have seen a dozen gun incidents in our schools. Just recently, a 16-year-old Mt. Pleasant High School student told police that another student had threatened him in a school corridor with a small pistol.

Guns in our schools is not a problem confined solely to New York City or Detroit. It occurs across the country. Just 2 weeks ago, in Columbia, SC, a boy was shot four times at his high school. Last November, in Bellevue, IL, a seventh-grade boy brought a gun to school. In May, in Princeton, WV, a teenage boy walked into his biology class, and, using a gun smuggled into school in his gym bag, took the class hostage. At a high school in Irving, TX, a 17-year-old boy walked up to another student and shot him in the neck; the reason was a fight over a girlfriend. In St. Louis, a teenage girl, upset after her boyfriend broke up with her, shot him in the head and killed him at school last March. One year ago, in Grayson, a 17-year-old brought a small handgun to school and killed a teacher and a janitor. This is a handful—a mere handful—of shootings that occur daily in this country; few States are exempt.

What is the only route for school administrators to take? To ensure the safety of all who are in the school, administrators are forced to divert scarce funds from books to $4,000 metal detectors. Some schools are beginning to resemble armed camps. But more and more school districts are using such equipment: In July of 1992, 25 percent of the 45 largest school districts were using metal detectors; today, 69 percent are using them.

The presence of guns in schools diminishes the work of educators across the country. For how can any child learn in an environment of fear? We stand no chance of improving our educational system unless we first ensure that our heavily-burdened schools are free of guns and the violence that results.

I am pleased, therefore, that Goal Six of the legislation before us reads as follows:

> By the year 2000, every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning.

I successfully offered an amendment to this bill that amends Goal Six to include the word "firearms." Goal Six now will read "every school in the United States will be free of drugs, firearms, and violence." This amendment is just a one-word change. But I believe that it behooves us to be as firm as possible: The presence of guns—highly effective, dangerous, and lethal weapons—in our schools is simply intolerable. We must allow our children to learn in peace. I hope my amendment states the intention of our Government to do so, as clearly as possible.

Another key amendment dealing with guns in our schools was adopted during floor debate, and as a cosponsor of that amendment, I believe it will make a difference in combating school violence. The Safe Schools amendment authorizes Federal grants to school districts to fight violence in their schools. The money may be used for planning strategies to prevent violence, conducting safety reviews, developing violence prevention activities, providing counseling for victims of violence, and even purchasing metal detectors and other security equipment. This is an important step toward ensuring our schools are safe.

In sum, Mr. President, the Goals 2000 legislation is right in line with reform efforts that are underway in Rhode Island and many other States. Passage of this legislation brings us one step closer to forging a new and constructive partnership between every school, school district, State, and the Federal Government. It is through this partnership that our children will receive the world class education they deserve.

Mr. BIDEN. Mr. President, 10 years ago, we were told that America was a Nation at risk. We were told that if a foreign power had imposed such an educational system on the United States, we might very well consider it an act of war.

That report was our wake-up call. Or was it? What has happened since then? There have been more reports and more studies and more stories on how desperate our public education system is. Yet, there has been very little action at the Federal level. Granted, some the doomsaying rhetoric has been overblown. But, every one who has a child in school—and every child in school—knows that we can do better. We can demand more of our parents, our teachers, and especially our students.

We can work to see that all students start school ready to learn; that the high school graduation rate is increased to at least 90 percent; that all students meet the highest standards in English, math, science, civics, history, art, and geography; that American students rank No. 1 in the world in math and science achievement; that we eradicate illiteracy; that all schools are free of violence and drugs; and that all parents are involved in the education of their children.

These, Mr. President, are the national education goals established at the education summit in 1989 by President Bush and the Nation's Governors, led by then-Governor Clinton. Today, those goals are before us in the Goals 2000: Educate America Act. I am pleased to support this legislation. Perhaps we in Congress are finally ready to foster reform of our Nation's public school systems.

Goals 2000 establishes national goals and standards to which every American school and every American student can strive. For if we are to improve our educational system, national costs must be established and the highest standards set. Our young people must be equipped with the skills and knowledge needed to get good jobs and to help American industry compete effectively in the global marketplace. National goals and standards—not imposed on the States, but established as measurements by which all States can gauge their achievement—are essential to the reform effort.

What is also essential—and what is also provided for under this bill—is Federal support for local reform plans. My State of Delaware recently launched a statewide comprehensive educational reform effort. Under the outstanding leadership of State Superintendent Pat Forgione and State Board President Paul Fine, "New Directories for Education in Delaware" is ready to be implemented. The State has committed funding, and each of the 19 school districts have committed their own resources toward ensuring that the public schools in Delaware meet the highest standards. Indeed, the Delaware plan was developed with the national education goals in mind.

But, the money the State and the districts have pledged is simply not enough. The task is just too daunting. The State and the local schools need the Federal Government's help. The local schools of Delaware need Federal financial assistance with few strings attached to allow them to innovate—to adopt school reforms tailored to the needs of the local communities. Experience has proven that decisions on education policies are most responsive and efficient when made by local communities.

And, that's what the Goals 2000 bill does. Reform—fundamental reform—will occur where it should—at the local level. Indeed, 85 percent of the State grants provided under this bill must be passed on to local schools with few strings attached. Each school—whether urban or rural, big or small—will in turn be able to adopt those reforms that will best meet the needs of the students at that school.

Furthermore, with the regulatory flexibility provisions of the legislation—as well as with Senator HATFIELD's flexibility amendment that I supported—States and local schools will have an even greater opportunity to provide a top-quality education as best as they see fit. All the Federal Government is demanding is that States, schools, and students make real and measurable progress toward high educational achievement.

It sounds so simple, so basic, and such a common sense approach to the Federal Government's role in education reform. Yet, the misinformation about this bill abounds. So, let me take just a moment to debunk the myths—and reiterate the facts.

Goals 2000 does not establish a national curriculum. Rather, it establishes national goals outlining where we as a Nation should go and voluntary standards to measure how successful we are in getting there. Goals 2000 is not a one-size-fits-all education reform plan mandated from Washington. Rather, it allows each school to make the reform decisions. And, Goals 2000 does not promote, endorse, encourage, or establish a system of so-called Outcomes Based Education. Rather, this bill seeks to raise the standards of all schools and all students—not dumb them down.

Mr. President, 10 years ago, the Nation was told our public school system was in need of repair. Two years ago, we debated education reform legislation very similar to that before us today—only to have the conference report killed because of a Republican filibuster in the waning days of the 1992 session. Because of these delays, we have lost precious time. Meanwhile, too many of America's children have continued to move through a public school system that desperately needs improvement. Let's not lose any more time—or any more of our children.

Mr. LAUTENBERG. Mr. President, I rise in support of the Goals 2000: Educate America Act. I am a cosponsor of this legislation.

Mr. President, this legislation codifies the existing six education goals that President Bush and the Nation's Governors agreed to in 1990. It also adds a seventh goal calling for increased parental involvement in education. I strongly support the addition of this goal. Children must receive encouragement at home as well as at school.

Mr. President, this legislation also establishes a National Education Goals Panel that will give us a bipartisan reporting on what type of progress we are making towards achieving the seven national education goals. It will also review voluntary national content standards, voluntary student performance standards and voluntary opportunity to learn standards. These voluntary standards will challenge our schools, teachers, students and parents to strive for tangible goals that will ultimately improve our elementary and secondary educational system.

This bill also includes a grant program for State and local school districts to develop innovative, "break and mold" schools. These grants may go to States and school districts for innovative programs like public school choice, public charter schools, magnet schools, curriculum improvement and teacher training. These grants will help stimulate more innovation in our Nation's schools.

Mr. President, we need to begin a national crusade to improve our schools. While the Federal Government only funds about seven percent of all education expenditures, it can help serve as a catalyst to spur educational reform in our Nation's schools. Improving the performance of our schools and students is critical to our Nation's ability to compete with other countries like Germany and Japan. This bill represents a good start in this direction.

Mr. President, this bill is supported by a broad range of organizations including the National Education Association, the PTA, the Business Roundtable, the U.S. Chamber of Commerce, and the College Board.

Mr. President, this bill also includes an amendment I offered entitled Pro-Kids. Pro-Kids will make all schools smokefree along with all other Federally funded children's programs. I am hopeful that the conferees will retain this amendment and prevent our Nation's children from breathing secondhand smoke—a substance that EPA has determined is a group A carcinogen responsible for 3,000 lung cancer deaths per year and thousands of childhood illnesses.

Mr. President, I urge my colleagues to support this legislation.

SCHOOL VIOLENCE PROVISIONS

Mr. DURENBERGER. Mr. President, I rise to comment briefly on what I know is a growing level of concern in this body—and in the Nation as a whole—about violence in schools. In particular, I was pleased to support the amendment offered by Senator DODD incorporating into this legislation, S. 1125, the Safe Schools Act of 1993.

I do so with the understanding that this is an interim measure designed to authorize the Secretary of Education to make grants to school districts for violence prevention programs during the next 2 years. In particular, it will allow the Secretary to use up to $20 million, which has already been appropriated for the current fiscal year, for these purposes.

This interim measure will also give Congress the time it needs to consider the administration's proposal to add violence reduction to the mission of the Drug Free Schools Program which is being reauthorized as part of the Elementary and Secondary Education Act. That reauthorization will take place later this year.

Mr. President, I supported Senator DODD's amendment because I believe all levels of government must respond to the growing incidence of weapons possession and violence in our Nation's schools.

A recent national survey found that nearly 20 percent of 8th, 10th, and 12th graders had been threatened with a weapon at school and nearly 10 percent had been injured. One out of every five high school students regularly carries some type of weapon. And many of these weapons are carried to school.

Mr. President, it is clear from this and other studies that disputes among

young people that traditionally had been settled with words are now being settled with fists. And disputes that traditionally were settled with fists have now become knife or gun fights that too often end in life-threatening injuries or even death.

Overall, nearly 3 million thefts and violent crimes occur on or near school campuses every year, totaling almost 16,000 incidents every school day. And 12 percent of violent crimes in schools involve weapons; with nearly 500,000 teens being victimized annually by a violent crime occurring at or near school.

Minnesota—despite its peaceful tradition and strong record in education—is no exception to this national trend.

Statistics on weapons-related incidents are too infrequently kept by schools and districts who fear negative publicity and even increased fear among parents and students. But to its credit the St. Paul School District did recently complete a survey to help document the level of gun and other weapons offenses in its schools.

That survey found that, in the 1992–93 school year, the St. Paul schools had 58 dangerous weapons violations, including 36 that involved knives, 8 with pellet or BB guns, 9 with handguns, and 5 others. Students ages 12 to 17 were involved in these incidents, which resulted in police notification, suspension, and/or expulsions.

There is no question that the growing level of crime and violence in schools is a detriment to both teaching and learning. Both students and teachers report an increased preoccupation with personal safety concerns that get in the way of their studies and work.

That is one reason that President Bush and the Nation's Governors included drug and violence prevention as one of the national education goals, goals that are being placed in law in the legislation we are now about to approve.

We simply cannot expect students to learn—or teachers to teach—if they come to school every day in fear of their personal safety.

Having made that point, I want to caution all of us not to count on this amendment—and the limited Federal funding it will authorize—to solve all the problems related to guns and violence in our Nation's schools. Typically, we are using a single, poorly funded categorical program—aimed at schools—to address a complex, community-level problem.

The use of guns and other violent behavior by young people most often reflects deeper problems, including problems at home. For example, a recent survey by Minnesota's Johnson Institute found that junior and senior high school students who experience alcohol and other drug use problems are:

Twice as likely to instigate physical fights and have trouble concentrating;

Three times as likely to be truant from school; and

Four times more likely to commit vandalism.

These and other youth survey results help make the case for the administration's proposal to combine violence and drug/alcohol prevention programs as we reauthorize the Elementary and Secondary Education Act later this year.

Another survey of Minnesota young people found strong links between students behavior and their own home environments. The most recent Minnesota student survey, done by the Minnesota Department of Education, found strong correlation between abusive behavior at home and alcohol and other drug abuse. The survey is conducted of Minnesota adolescents in grades 6, 9, and 12.

These and other surveys document the need to approach growing violence and other behavior issues involving young people on a community-wide basis, not just focusing on schools.

Typically, however, when society spots new issues or problems involving its younger citizens, it adds responsibility for dealing with those problems to already overburdened teachers and others in schools.

I believe it is time for the larger community to take more responsibility for these issues—beginning with parents, but also involving local governments, nonprofit agencies, employers, and others. Without that kind of combined effort, we will not have either the resources or the capabilities to deal with violence and other behavior problems facing young people in a truly effective manner.

One good example of how that can be done is the use that Minnesota is making of the Governor's discretionary grant it receives under the Drug Free Schools Program.

For the past several years, Minnesota has made both planning and implementation grants to several dozen colocation projects which combine access to a number of different community services in or near schools.

I have visited with individuals involved in a number of these projects and have found them to include broad community support and involvement. And, although it is too early to see definitive results, there are indications that this kind of pooling and colocating of resources can both spread scarce resources further and improve access to needed services by both young people and their families.

I am pleased, Mr. President, that the amendment offered by Senator DODD requires collaboration among a variety of education, social services, and law enforcement agencies in each community. And, as we make this Federal contribution to solving a much larger community need permanent, I would hope we will learn from the experiences of States like Minnesota that are promoting broad community support and responsibility.

One of the lessons learned from States like Minnesota is that the solution to problems of violence and disruption in schools must be designed by each school and each local community to fit its unique circumstances.

In some cases, those problems may require tough solutions that involve law enforcement agencies and tools like metal detectors and other measures designed to remove weapons and individuals from schools who can only be regarded as violence-prone criminals.

In other cases, preventive measures are more appropriate. And beginning such measures at a young age—in elementary, middle, and junior high schools—can be a very good place to start.

One example of this type of approach to preventing violence is a Peer Mediation Program which is being used successfully in a number of schools in Minnesota, including Lyndale Elementary and Anthony Junior High Schools in Minneapolis. In all, some 45 schools in Minneapolis are currently developing peer mediation programs as part of the Minneapolis School District's efforts to make conflict resolution and peacemaking an integral part of teaching and learning.

Because of the exciting potential that peer mediation programs hold, Mr. President, I would ask that a recent article in the Southwest (Minneapolis) Journal describing its effects at Lyndale and Anthony Schools be printed in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I want to pay special tribute to our distinguished colleague from Connecticut for his leadership in addressing the growing concerns that Americans have about violence and disruption in our schools.

The Goals 2000 proposal is a better bill because of his insistence that we include his safe schools amendment. And I look forward to working closely with him, with other Members of this body, and with my constituents in Minnesota as we enact this and other related legislation in the coming year.

I yield the floor.

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

SOLVE IT YOURSELF: STUDENTS SHOW HOW TO MAKE SCHOOL A SAFER PLACE

(By Mark Anderson)

A distressing change that's taken place in both city and suburban schools the last several years has been the apparent increase in violence.

School leaders, politicians, parents, and students are all searching now for changes that can ensure again that school will be a safe place for children and for learning.

An important step toward providing that assurance, according to the Minneapolis schools, is achieved in a strategy they've

been implementing in the district the last several years.

Their idea: Let the students handle it.

Forty-five schools in the district are in the midst of developing peer mediation programs, one part of a district-wide curriculum to make conflict resolution and peacemaking an integral part of learning for students and teachers.

Lyndale School, at 34th and Grand Avenue, celebrated the second year of its peer mediation project last month, with an assembly honoring its 56 mediators.

Students heard Mayor Sharon Sayles Belton, District Court Judge Isabel Gomez, and Superintendent Peter Hutchinson all praise their efforts that day, and they also received new mediator uniforms: purple jackets emblazoned with the program logo, HELP—Here Everyone Learns Peacemaking.

At Lyndale, two mediator partners are assigned each period to monitor the playground, lunchroom, and hallways. They're trained to intervene when a scuffle or argument develops, pull the belligerents to a designated mediation spot and sort out the dispute.

"What we have them do is talk about what they're mad about," according to mediator James Capehart, a fifth-grader. "They may not even know what that is. Most of the time it works."

James and his colleagues learned their mediation skills in 10 weekly classes where they talk about what causes conflicts and strategies for defusing them. They get hands-on training through role-playing, which students say turns out to be a lot like the real thing.

Still, performing that first actual mediation with a couple of angry students wasn't easy.

"I didn't know if I could remember all the steps, and the first time I did it, it felt really weird," says Mahaulo Andersen. "But when I got started, it went OK."

Candace Murphy, another fifth-grade mediator, explained the ground rules that the disputants must accept in order to do a mediation. "They have to agree to try to solve the problem, not to interrupt or call each other names, and to tell the truth." The mediators also agree that their meeting will be confidential and they won't spread any tales later.

Marlys Svobodony, coordinator of the Lyndale project, says that the mediation and other peacemaking activities are important not only because they teach valuable skills for resolving conflicts, but also because they're improving the school environment. The youngsters have often succeeded at resolving disputes that adults couldn't, she said.

"It's so important to kids that they're listened to and their side is understood. Other kids are better at that kind of listening than adults often are. When they go through the mediation process they take time to make sure everyone is heard."

It's not uncommon for a busy adult to handle the dispute "by simply telling the kids to stay away from each other," a tactic that may stop the fight but doesn't end the anger and misunderstanding, according to Svobodony.

Cheryl Pittman, an Anthony Junior High teacher who has conducted peace-making activities—including peer mediation—for three years, says it's very important to help junior high aged kids resolve conflicts. Her students, who are entering adolescence and a demanding new social environment in junior high, face bewildering problems that often lead to anger and frustration.

"But junior high kids don't want to get into fights," she said. "They want to work things out and save face, but they often don't have the skills to get it done."

Pittman admitted to a little skepticism when mediation was introduced. "I thought it might be a goody-goody thing, attracting only the best-behaved, straight-A students."

But she was surprised by how many students want to get involved.

"And it was really 'peers' joining in, and that's important. We have kids who are streetwise and who could gain the respect of a wide range of students."

Results are hard to measure, but at both schools there's a lot of anecdotal evidence that says mediation and the other peacemaking efforts work. Pittman and Svobodony say they've gotten calls from family members reporting that children are now "mediating" at home with siblings and that students feel better about going to school. And, at both Lyndale and Anthony, mediations are frequent and detentions for student fights have dropped.

Although the fundamental reason for teaching peacemaking is probably to teach valuable life skills, Lyndale Assistant Principal Donna Amann cited another very practical reason for educators to embrace the approach.

"About 50 percent of teacher time is spent dealing with conflicts. If we can teach kids to solve their own conflicts, we have a lot more time to get down to the business of good teaching."

OPPOSITION TO THE MACK AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to briefly state my reasons for opposing the amendment by the distinguished Senator from Florida to change the funding formula for the planning and school improvement grants authorized by this legislation.

I oppose this amendment, Mr. President, because I believe it upsets a very delicate balance now in the Goals 2000 legislation between the role of national and State governments and local schools and communities in promoting and supporting education reform.

The junior Senator from Florida is correct when he points out that education improvement in this country will depend on thousands of individual communities acting on their own to tailor school reforms to meet their unique local needs. That's one reason, Mr. President, that I so strongly oppose the kind of uniform, top-down approach to school improvement represented by so-called opportunity-to-learn standards.

Under virtually all State constitutions, however, State governments play an essential role in financing and policy setting for elementary and secondary education. No significant reforms in local schools will take place without the leadership, authority, and, ultimately, deference of State governments.

So, it is essential, Mr. President, that the role of State governments be recognized in this bill. It's appropriate that States be the conduit of funds for local school improvement initiatives. And, it's especially appropriate that States be able to reserve a small portion of the funds they receive to help design and implement the kind of policy changes that—under the distribution of authority we now have—only States are in a position to initiate.

To adopt this amendment, Mr. President, would be to ignore that reality and to do serious damage to the essential role that States must play in encouraging and supporting education reform.

I yield the floor.

THE COATS-LIEBERMAN AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by my distinguished colleagues from Indiana and Connecticut which authorizes a limited demonstration of ways of expanding school choices for parents of low-income children—including the option of choosing a nonpublic school.

As my colleagues know, my own State of Minnesota has taken the lead nationally in expanding the right of parents to choose which school their children will attend. Minnesota has also been at the forefront of efforts nationally to expand the number and diversity of schools that parents may choose from.

Along the way, Minnesotans are redefining what we mean by public education.

In Minnesota, for example, public education now includes charter schools—schools that are started and run by parents and teachers under a contract with a local education agency or the State board of education. Several of these schools are designed to serve students with special needs, including students who have not succeeded in a traditional school environment.

In Minnesota, public education also includes a program called post-secondary options under which high school juniors and seniors may take college courses at public expense at either a public or private college or technical institute.

In Minnesota, public education also includes a number of schools run by nonprofit organizations under contract with the Minneapolis, St. Paul and other school districts. These contract schools also include several institutions that serve at-risk students, students with special needs, or others for whom traditional public schools may not be the ideal setting.

Although these contract schools must be nonsectarian, Mr. President, there are also special circumstances under which public schools may contract with a sectarian nonpublic school to educate an at-risk high school junior or senior.

My point here, Mr. President, is that, even in a State which is known for its leadership on public school choice, we are using a number of different ways of delivering what is a new and broader understanding of public education.

Increasingly, that definition focuses on results—on accountability for what students actually learn. And, we're also defining public education by assurances that all students will be admitted—regardless of race, religion, academic ability, income, or other personal characteristics.

Quite frankly, Mr. President, I don't know what role traditionally defined nonpublic schools should be playing in this new world of public education. I'm not even sure that a lot of nonpublic schools will want to be subject to the kind of accountability that will inevitably go with receiving public funds.

But, I do know that the amendment Senators COATS and LIEBERMAN have placed before us offers a reasonable and nonthreatening opportunity to help answer these questions.

This amendment authorizes a demonstration that requires the full participation and support of the local school district. Only low-income students and their families would be allowed to participate. Civil rights protections are included, as are assurances that local desegregation plans would not be disrupted.

This Senator believes that sounds like a very reasonable and sensible proposal that this body ought to be willing to adopt.

I intend to support this amendment, Mr. President. And, I urge my colleagues to support it, as well.

I yield the floor.

OPPOSING THE HELMS AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by our distinguished colleague from North Carolina which prohibits the use of Federal funds for programs which distribute condoms in schools without parental consent.

I want to make it clear, Mr. President, that I also intend to support an amendment by our distinguished colleague from Massachusetts which encourages parental participation in school-based programs which distribute condoms or other family planning information.

My reasons for these votes, Mr President, reflect both my views on the proper Federal Government role in deciding what goes on in local schools and the experience that my own State has had in dealing with these highly emotional and controversial issues.

There are some exceptions, Mr. President, regarding fundamental human rights. But, in general, I do not believe we at the national level should be telling local school boards and communities how to run their schools.

We should encourage the establishment of high standards—and that's exactly what we're doing in this bill. And, we should set up ways of holding schools accountable for meeting those standards.

But, in general, Mr. President, I believe the best thing we're doing in this bill is making it easier to "get out of the way"—to replace cumbersome and unneeded Federal mandates with new ways of holding schools accountable for what students actually learn.

The amendment offered by the Senator from North Carolina takes just the opposite approach, Mr. President. I believe it is inconsistent with the general direction now being taken in this bill—away from telling local school boards and communities what they can and cannot—and must and must not—do.

I also oppose this amendment, Mr. President, because our own experience in Minnesota suggests that it is unnecessary.

In the Minneapolis public schools, for example, a very well-developed system of school-based clinics has been established with strong input from parents and others in the local community.

And, one essential component of that program is the option that each parent has each year to limit access to services offered in those school-based clinics for their own sons and daughters.

Minneapolis public schools parents actually have three options each year—to place no restrictions on access by their son or daughter to school-based health services, to prohibit access entirely, or to limit access to services other than family planning services.

That system was developed by a broadly representative group of parents, church leaders, teachers, health professionals, and others. It has worked well. And, more than anything else, Mr. President, it demonstrates that each community is best left to address this issue on their own.

I yield the floor.

Mr. HATCH. Mr. President, I know I am not alone in believing that we need to help our schools prepare our young people to lead productive and satisfying lives.

I feel strongly, as I am sure we all do, that nothing is more important than securing a future in which our children will be able to compete and succeed in a global economy, in which they will be able to cope with everyday life, and in which they will be able to appreciate those things that make life rich and rewarding.

I am sure that everyone here has read the alarming statistics about the performance of American students in international comparisons, particularly in core subjects such as science and math. And, I was very disturbed to discover that, among eight industrialized countries, the United States is the only one where people over 55 do better at geography than recent high school graduates.

There are encouraging signs, however. I, for one, do not have to look far.

Utah has always made education a top priority. Despite demographics that make school financing a tremendous challenge, The State of Utah has a highly successful educational system and a successful collaboration with our local school districts.

Utah ranks third in the Nation in State government expenditures for education per $1,000 of personal income.

For every $1,000 of personal income, Utah spends $73.87 on education; average is $42.87.

Utah ranks first in expenditures for higher education.

Utah has the highest literacy rate in the United States.

Some 85.1 percent of Utahns age 25 or older have a high school diploma—second in the Nation.

Utah students score above the national average on SAT and ACT tests.

These are just a few of Utah's achievements in education. I am proud of my State. Utahns have long taken the view that a quality education is essential for our State and our Nation's future. That is why Utahns tax themselves so heavily to support our education system.

It is also why in 1987 the Utah State Board of Education appointed the Strategic Planning Commission. Comprised of Republicans and Democrats, from both the private and public sector, this commission examined all aspects of Utah education and published its report in 1988. Our distinguished colleague and my good friend, Senator BENNETT, then a corporate leader in Utah, served as the chairman of this commission. I am sure he would be pleased to elaborate on the strength of this effort and the validity of its results.

The action plan developed by the strategic planning commission has provided the framework for Utah's initiatives in education since then.

Most recently, education has been at the forefront of Utah's centennial celebration as well. Utah's program for "Centennial Schools," awards additional funds directly to schools for innovative programming.

Mr. President, Utah is not stuck in the mud when it comes to education reform. My State has adopted changes in its system when such changes, in the judgment of the people of my State and their leaders, have appeared warranted or desirable. Utahns do not cling tenaciously to particular education policies or practices when they do not work.

Mr. President, Utah is not unique in this regard. As of 1990, 34 States had undertaken some kind of comprehensive school assessment and developed some kind of improvement plan.

And, according to information I have received from the Education Commis-

sion of the States, every one of these States has chosen to address its educational needs in a different way.

We must be careful, Mr. President, that we do not demand change for its own sake.

No one—certainly not a Federal institution such as the Department of Education or the National Education Standards and Improvement Council or the National Education Goals Panel—has the same direct stake in the success of local schools as do the parents and children who depend on local schools.

No one—certainly not a Federal institution—can deliver educational programs with the same sensitivity and accommodation to local needs as the schools' own teachers and principals. It is foolish to think that we here can legislate quality education through this bill.

In suggesting standards, assessments, or delivery standards, we cannot clone those teachers—who we can all name—who make the biggest difference in education.

We cannot create excellence in school leadership by legislative or executive fiat. Who could even describe in legislative language how thousands of talented elementary and secondary school principals have successfully motivated faculty and students? And, one principal's method at one high school in Salt Lake City, may not work at all in a high school in Vermont, Mississippi, Indiana, or anywhere else.

Mr. President, change should not be directed or supervised by the Federal Government. Change should be initiated, developed, and implemented by State and local citizens and their elected or appointed officials.

This bill, Mr. President, is an attempt to engineer change from the Federal level—otherwise why would Utah and 33 other States that already have education plans have to seek Federal waivers for them.

Utah, at both the State and local levels, is committed to the best education possible for Utah children. I have no doubt that the people of my State will continue to enact specific reforms that they believe will be effective and that will reflect the values, resources, and demographics of the communities they serve.

What we need, Mr. President, is more money. And, I must say, Mr. President, that Goals 2000 is sort of like dangling a thick, juicy steak in front of a hungry man. Goals 2000 contains the authorization for a $400 million grant to States and, therefore, the prospect that States will receive additional financial help if they follow the prescribed outline for a State educational reform plan. I am sorry that so many States will be compelled by the need for additional resources that they will sacrifice more of their prerogatives in education.

What we need is more flexibility and fewer mandates. But, the planning process described in Goals 2000 does not promote flexibility. There is no way, in my view, that 50 State plans, developed under the same statute, evaluated under the same criteria, and approved by the same individual can avoid a trend toward the national homogenization of education policy.

I hope my colleagues recognize the Pavlovian effect here: Federal financial help if a State does it right—according to the criteria set up under Goals 2000. No funds if a State does it wrong, or merely chooses to do it its own way.

Mr. President, I also believe there could be unintended adverse implications for independent school improvement initiatives. Even in the absence of Federal incentives, many organizations and schools have initiated a wide variety of projects to help students learn. Of course, there are thousands of these; but, I would like to mention one that is particularly apropos inasmuch as this is Black History Month.

The organization Black Americans of Achievement has developed a board game that simultaneously engages students and informs them of the diverse and significant achievements of black Americans. Students learn in a setting that is challenging, yet enjoyable; academically important, yet engrossing; informative, yet creative.

In addition, the Burger King Corp. has participated in the promotion of the game and is sponsoring a national contest to reward kids who have excelled in learning about African-American history. This game, which is now in use in over 1,000 schools nationwide, serves as an excellent example of private and public sectors working together. It serves as a reminder that not every good idea comes from the Federal Government.

I agree that there is nothing explicit in this legislation that would prevent such initiatives from taking place. However, the top-down approach in the Goals 2000 legislation may have the unintended effect of stifling this type of endeavor. That, Mr. President, would be sad indeed.

There are other reasons for taking a second look at this bill, Mr. President.

First, this bill will create a bigger Federal education bureaucracy.

The bill codifies the National Education Goals Panel. Now, Mr. President, I do not have an objection to the National Education Goals. The goals are, I believe, useful for advancing the debate on education within States and within communities. But, I question how useful it is to codify the National Goals Panel and to give it an authorization of $3 million the first year and such sums as necessary for the next 4 years.

The bill establishes a new entity called the National Education Standards Improvement Council [NESIC].

This organization has been charged with certifying the standards developed by the discipline-specific national education associations, such as the National Council of Teachers of Mathematics. It will forge these sets of academic standards into a set of national standards for curriculum content and student performance. It will also certify national opportunity-to-learn standards and assessments.

NESIC is authorized at $3 million in the first year and such sums for the next 4 years.

I suppose this would be cheap at twice the price if one agreed that this was an important function of the Federal Government and essential to parents and children. Personally, I just see it as another Federal entity putting hurdles in the way of educational progress where it really counts—at State, local, and classroom levels.

The bill also establishes a National Skills Standards Board. We haven't focused much on the National Skills Standards Board. This is largely because the same arguments can be made about it as are being made about the other provisions of the bill.

I will just note that in some respects, I believe the long-term effects of the Skills Board could be more detrimental than the effects of NESIC. Why? Because occupational standards and credentialing at the Federal level—even implied credentialing—will keep many people out of the labor market. Setting up occupational certifications is merely going to set the bottom rung of the employment ladder a little higher and some people will not be able to climb up.

I know some businesses have endorsed this concept. I can appreciate their point of view—it is logical. But, then, these businesses are on the employment end—not the unemployment end.

The National Skills Standards Board is authorized at $15 million in the first year and such sums for the next 4 years.

Second, the bill robs classrooms of vital assistance.

Mr. President, these three activities alone are authorized for $21 million in the first year. That just about equals the cut President Clinton recommended in chapter 2. I remind my colleagues that chapter 2 is a flexible block grant program that targets assistance to classrooms.

The money allocated under this bill is for the development of educational plans. It's for process, not pencils. It's for bureaucrats, not books.

Let me say that another way. We are taking money out of classrooms and concentrating it here in Washington, DC.

The President has recommended $175 million in cuts in chapter 2 and impact aid. I cannot in good conscience justify these cuts as necessary budget cutting

measures to adversely affected local school districts in Utah. President Clinton and this Congress are on the verge of a simple reallocation of these funds into Goals 2000. During this debate, we must not forget that this planning bill rides in here on the backs of programs that have an immediate impact on our children.

I do not doubt that the bill's proponents sincerely believe that this is a good thing to do, but I sincerely believe that it is not in the best interests of children in Utah, particularly since Utah is already operating under its own cogent education plan.

Third, the bill creates a system of stealth standards.

Mr. President, as I indicated earlier, I support the national goals. I have always supported national goals. I believe the goals contribute a great deal to the debate and help focus the efforts of all the components of our educational systems at all levels. But, there is a great chasm between national goals and federally mandated standards.

This bill is disingenuous in stating the so-called voluntary standards are in fact truly voluntary. According to the bill's proponents and apologists, a State is not compelled to have State-developed standards certified by the National Education Standards Improvement Council.

But, States are compelled to submit a plan. The plan must include various components, including provisions addressing opportunity-to-learn standards, which has become the new term for delivery standards. The plan must be approved before any money goes out the door.

It is the Federal level of government—the Secretary, along with peer reviewers—that will decide if a State's plan is up to snuff, and standards comparable in rigor to the national model standards will surely be a de facto requirement if not a de jure one.

I respectfully suggest to my colleagues that these aren't voluntary standards, Mr. President, these are stealth standards, clouding the issue, and flying under the radar screen.

Mr. President, one of my constituents, Mrs. Cherilynn Gulbrandsen of Provo, UT, took the time to send me her comprehensive analysis of Goals 2000. She recognized, as I am sure other citizens have as well, that these newly sanctioned Federal entities will inevitably involve some element of partisan politics. She wrote:

> Appointees [to NESIC] are sure to be partisan, slanting the curriculum toward the political ends of the party in power. * * *

She cited the spate of politically correct curricula being discussed in many educational circles.

Mr. President, I believe many Americans have this concern. I believe many Americans are concerned not just with what Goals 2000 actually states, but what they believe it will lead to. Whether their concerns prove to be unfounded is not the point.

What Members of this body ought to focus on is the fact that our constituents are, in fact, concerned. And, education, as much as any public policy area, demands community support and consensus building. As long as people feel they have lost control of education—control of such a critical, life-forming part of their children's lives—we will never achieve that kind of support.

Fourth, the bill will provide the underpinning for more litigation.

Mr. President, last summer several education hearings on finance and equity were held during which some witnesses made it clear that the reallocation of Federal education resources was high on their agenda.

Attorney Jonathan Wilson, who served on the National Council on Education Standards and Testing, has explained that one way to achieve such a reallocation is through litigation. He succinctly explained why the opportunity-to-learn standards are not truly voluntary:

> You can say that it's voluntary, but it won't be. I'm a lawyer—all I need from you to get me into court that I don't have now is [school delivery] standards. Because I have got state law that constitutionally says that you have got to provide an adequate education, and the thing that keeps me from going to court is I don't have a measure for what that is. You give it to me, and I'll get things required—not voluntary. * * * [Minutes of Implementation Task Force, NCEST, October 30, 1991]

I do not believe anyone in this body really wants education policy to be made by the courts.

I do not believe anyone in this body really wants to burden States and local school districts with achieving opportunity-to-learn standards. I find it ironic that while the rest of this bill is so results oriented, the opportunity-to-learn standards are the epitome of input measures.

In conclusion, Mr. President, I know that many Members of the House and Senate may vote for this bill because it is an education bill. There is some fear that if they oppose this bill that they will be vulnerable to political attacks by those who will say that opposition to Goals 2000 is somehow synonymous with opposition to education.

Mr. President, nothing could be further from the truth. This bill does not deal directly with anything that affects the daily classroom existence of students and teachers and parents.

To be against this bill is not to be against education or education reform. To be against this bill is to be against widening the gulf between scarce Federal resources and the schools and teachers this money ought to be going to.

To be against this bill is merely to be against the method that President Clinton has chosen for improving American education. To be against this bill is only to be against centralization of educational decisionmaking and the homogenization of educational programming through national standards.

Mr. President, we have incredibly committed people working in and for our schools, battling poverty, malnutrition, crime, and drugs in their attempts to educate and engage young people. We ought to be putting the $422 million authorized in this bill into Chapter 2, job training, vocational education, drug education, library services, or any other effort that will more directly and more immediately assist those individuals. To be against this bill is merely to be against spending more money on Federal institutions and less money in classrooms.

Mr. President, we ought to trust our State and local school boards and school administrators, our State legislatures and Governors, our teachers and principals, and, most of all, our citizens. I hope we do not pass Goals 2000 because, despite its best intentions, and despite the best efforts of my colleagues to mitigate the many concerns that have been raised, this bill represents a fundamental distrust of the way in which State and local people make and carry out education policy.

I, for one, Mr. President, trust Utahns to do what is right for Utah schools and Utah children. These students—who include my grandchildren—represent Utah's future. As their senator, I want to support Utahns engaged in all the aspects of the education enterprise. I do not want to see their own Federal Government second-guess their needs, priorities, or action plans.

CLOSING STATEMENT

Mr. DURENBERGER. Mr. President, before we complete action on this legislation, I would like to briefly discuss several important improvements that have been made in this bill since it was first introduced.

I would also like to call attention to several school-to-work programs now underway in Minnesota which have helped me personally understand the importance of this legislation to the future economic security of this Nation.

And, finally, I must comment briefly on the need to continue to draw on the experience and expertise of States like Minnesota—as this legislation is implemented and as we seize other opportunities to reform and improve education and job training programs later this year.

The interest and enthusiasm for this legislation in my home State, Mr. President, was a major factor in my decision to become its lead Republican cosponsor. I have learned a great deal from the Minnesotans who have advised me on this legislation over the past year. And, I believe those who will

implement this bill from the national level would be wise to continue to listen to those at the State and local level who have a great deal to teach us all.

IMPORTANCE OF LISTENING TO EMPLOYERS

One of the things I have learned from Minnesotans, Mr. President, is that any School-to-Work Opportunities Program must include extensive involvement by employers. That lesson was brought home to me in the results of a survey conducted recently by the Minnesota Business Partnership, which has been among the employer groups that has been most supportive of youth apprenticeships and other ways of better preparing young people for work.

In a recent Partnership survey of over 300 Minnesota businesses, nearly two-thirds of those surveyed said that a typical high school education is no longer good enough for today's business standards. The survey also found that:

Job applicants who have only a high school diploma are eligible for only half the positions being offered.

Even fewer jobs are available to those young people who do not have high school diplomas.

More than half the employers in the Twin Cities believe today's job applicants lack adequate basic skills such as reading, writing, and math.

Employers in nearly 90 percent of Minnesota manufacturing firms and 80 percent of nonmanufacturing firms agree that technical qualifications are more important now than they were 10 years ago.

Two-thirds of Minnesota employers believe today's workers need a strong background in technology in order to succeed in today's business environment.

More than 90 percent of Minnesota employers in both manufacturing and nonmanufacturing companies said they would like graduates to be certified as meeting a minimum set of standards, and that they would be more likely to hire applicants who had been certified.

A BROAD DEFINITION OF SCHOOL-TO-WORK OPPORTUNITIES

Mr. President, another important lesson I've learned from the educators, employers, labor officials, and State government officials who have advised me on this issue is that we must include a broad range of activities in our definition of school-to-work opportunities supported and encouraged by this legislation.

Ideally, school-to-work programs represent a fundamentally different approach to teaching and learning that links the school and community. Such programs must therefore be considered an integral part of K–12 education reform. And, although youth apprenticeships and other more formal manifestations of school-to-work programs begin in the latter years of high school, less formal ways of exploring careers and learning workplace skills should begin much earlier—in elementary, middle, and junior high schools.

To help meet that goal, this legislation now adds language I suggested which includes career exploration and counseling beginning prior to the 11th grade as a required component of school-based programs. Ideally, these programs will begin in elementary schools and be integrated into the school curriculum.

Examples of such components of school-based programs include job shadowing, mentoring, internships, service learning, use of outside speakers and career forums, field trips to local employment sites, and student entrepreneurship programs such as student-run community businesses and junior achievement.

Because of my strong interest in the National and Community Service Trust Act, Mr. President, I'm especially hopeful that the service learning opportunities funded under that legislation will be viewed as an important opportunity to explore possible future occupations at young ages.

And, I'm hopeful that there will be close collaboration between those running community and service learning programs and those designing local school-to-work programs funded by this legislation.

Mr. President, establishing links with after-school, weekend, and summer work opportunities also represents an important opportunity to expand the reach of school-to-work programs to the millions of today's young people who have part-time jobs.

In Minnesota, for example, 69 percent of high school juniors and seniors are employed part time, working an average of 22 hours per week. Yet, there is virtually no linkage between the potential for learning job and life skills through these jobs and the formal school curriculum.

To begin bridging that gap, this legislation now includes language I suggested that authorizes establishment of links between part-time employment and the school curriculum as an allowable activity for local partnerships using State subgrants. Examples of such activities include career counseling, student peer group discussions, mentoring and student-teacher-employer seminars.

IMPORTANCE OF SHARING INFORMATION AMONG STATES AND COMMUNITIES

Mr. President, because of the large number of States that are now implementing a variety of school-to-work program models, it will be important that successful programs be identified and information on them broadly disseminated. In addition, there are research, evaluation, and other opportunities for States to work together to design and promote replication of successful school-to-work programs.

While this legislation envisions the Departments of Education and Labor providing national leadership and coordination, it intends that a major portion of this capacity building be done on a decentralized basis. This would include using existing research, evaluation, technical assistance, training, and communication capabilities that are available through nonprofit organizations, intergovernmental organizations, academic institutions, and other resources located around the country.

To take advantage of these opportunities, several sections of the bill authorize the Secretaries of Labor and Education to use demonstration grants, contracts, or other means to fund research, demonstration and other projects, evaluation program programs and training and technical assistance.

Under language I suggested, special authority is also now granted the Secretaries to establish a clearinghouse and capacity building network to collect and disseminate information on a variety of aspects to school-to-work programs including innovative curriculum, research and evaluation, and skill certificates, standards and related assessment methodologies.

EXAMPLES OF SCHOOL-TO-WORK OPPORTUNITY PROGRAMS IN MINNESOTA

Mr. President, during the January recess, I had the opportunity to meet personally with individuals who are involved in four different school-to-work programs in my own State.

The first of those programs is an ongoing program coordinated by the Minnesota Teamsters Service Bureau called the workplace literacy project.

This program is actually a partnership between the Teamsters Service Bureau and the Northeast Metro Technical College, several different unions and a number of employers in the trucking, hospital, and telecommunications industries. It has received funding from the U.S. Department of Education.

The trucking project was completed earlier this year and was of assistance to drivers in obtaining their commercial drivers license which is now a requirement of Federal law for all drivers in the trucking industry. Under this project, 275 employees received training, including some nondrivers working for the same employers who received training in calculator math and basic computer schools.

The hospital project has involved between 400 and 500 employees in four Twin Cities area hospitals. Job classifications receiving training have included nursing assistants, orderlies, dietary technicians and aids, food service, housekeeping, central stores and hospital facilities maintenance. In addition to Teamsters, this project has also included extensive involvement of members and leadership from the Service Employees Union. The hospitals involved include North Memorial, University of Minnesota, Abbot-Northwestern, and Riverside Medical Center.

The telecommunications project is now being launched and is expected to provide training for 275 to 325 telecommunications workers in Locals 7200, 7212, 7250, and 7290 of the Communications Workers of America. AT&T is the cooperating employer.

In all three of these projects, the goals are to design and offer skills-related minicourses that will help employees upgrade basic job skills and adapt to changing circumstances in the workplace.

In the hospital project, for example, many employees are learning skills that will allow them to assume broader responsibilities or more into more demanding positions. In a number of cases, these employees are positioning themselves to adapt to cost-saving strategies their hospitals now have underway.

Mr. President, the second Minnesota school-to-work project I met with during January is the Skills for Tomorrow High School. This exciting project, headed by former Minneapolis Alderman Tony Scallon, will open this spring using Minnesota's charter schools law. The school—to be initially housed at Minneapolis Technical College—will employ youth apprenticeships as a central part of its curriculum.

The Skills for Tomorrow High School is backed by a broad coalition including the Minnesota Business Partnership, Teamsters Service Bureau, Rockford and other Twin Cities area school districts, University of Minnesota College of Education, and Minneapolis Technical College.

Students at Skills for Tomorrow High School will use a variety of means to help prepare themselves for work. In addition to completing a traditional high school degree, they will have the chance to explore careers and job training opportunities through postsecondary programs and youth apprenticeships at participating businesses.

Mr. President, during the recent January recess, I also had the opportunity to meet with the steering committees of two youth apprenticeship projects that are now developing programs that will help prepare young people for careers in health professions.

The first of these projects is in the Minneapolis-St. Paul area and involves a partnership that includes several area hospitals, Johnson High School in St. Paul and Roosevelt High School in Minneapolis, unions representing hospital employees, State government officials, and others.

And, the second includes hospital representatives, educators, labor officials, and others in the Duluth-Cloquet area.

The Duluth-Cloquet project is unique in its emphasis on improving skills to address unemployment or low paying employment on the nearby Fond du Lac Indian Reservation.

Currently almost 60 percent of Cloquet Public School students and 95 percent of Fond du Lac Ojibwe School students do not pursue education beyond high school.

To begin to address the need for additional education that prepares these students for good paying jobs, a youth apprenticeship program is now being designed that focuses on several different occupational areas including health care.

In what is called the health care cluster, occupational areas will include licensed practical nurse/associate degree registered nurse, therapist assistant—occupational and physical, dental hygienist, operating room technician, radiologic technologist, pharmacy technician, and respiratory care technician.

The entry level wages for occupations including in the Duluth-Cloquet program range from $8 to $15 per hour. The selected occupations also offer significant opportunities for advancement.

Mr. President, all four of these school-to-work projects in Minnesota are just the kind of initiatives this legislation is designed to support and encourage. I personally intend to continue to monitor these projects as they go forward. And, I'm hopeful that they and many others in Minnesota and other States will help address the serious need we have in this country for skilled workers in jobs that assure those workers and their families economic security and a bright future.

THE NEED TO CONTINUE TO LISTEN AND LEARN AS WE MOVE FORWARD

Finally, Mr. President, let me close with a few comments on the need to view this legislation in a larger context.

Later this year, we will have the opportunity to consider legislation reauthorizing the Elementary and Second Education Act, as well as a major Clinton administration initiative on job training and retraining.

I hope we will not lose sight of the general framework for these initiatives established in the bill we are now about to enact.

My own view is that youth apprenticeships and other school-to-work opportunity programs must be considered an essential component of education reform. I also believe we must be willing to provide stronger links—and eliminate current barriers—between programs that have heretofore been considered the exclusive province of education or job training or the responsibility of private employers.

My own preference would be to take down these barriers and give much greater discretion to State and local officials to mix funding sources, level off eligibility requirements, and make whatever other changes are need to address the differing needs and priorities of each State and local community.

As these various initiatives go forward, I hope we will also continue to listen to and learn from the kind of hands-on experts in the field that have meant so much to my own education on this subject.

One such individual is Dale Jorgenson who is the youth apprenticeship coordinator for Minnesota Technology, Inc., and one of the driving forces behind school-to-work opportunities programs in Minnesota.

Dale makes some very important observations in a letter he sent me recently, including the need to make sure we remove barriers that might exist to participating in a youth apprenticeship program for individuals on various forms of public assistance.

In his letter, Dale also points out the difficulty that many smaller employers have in participating in youth apprenticeship programs and the need to consider what financial incentives for employers might be required.

That's an issue that our colleague, Senator GORTON, attempted to deal with in his amendment to this legislation, Mr. President. And, it's an issue we're going to continue to face as the opportunity represented by youth apprenticeships rubs up against hard, cold economic realities.

Mr. President, because a number of important issues and concerns are raised by Mr. Jorgenson's letter, I would ask that it be printed in the RECORD at the conclusion of my remarks.

Let me conclude, Mr. President, by again thanking Senator SIMON, Senator KENNEDY, Senator HATFIELD, and all those who contributed to making this legislation the framework for a new and better way to help prepare all Americans for the future.

We have a good start in this legislation—and in the programs it will support in Minnesota and all across the country. But, to realize its full potential, Mr. President, we have much more yet to do.

I yield the floor.

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

MINNEAPOLIS TECHNOLOGY,
St. Cloud, MN, January 31, 1994.

Senator DAVE DURENBERGER,
Minneapolis, MN.

DEAR SENATOR DURENBERGER: I want to thank you in return for the interest that you've shown in the Cloquet/Duluth and St. Paul/Minneapolis programs. I know that you received some good information from the two groups. Just as important to me, however, was the boost you gave the groups by recognizing them as part of your Minneapolis connection in the school-to-work transition design. They feel very good about the opportunity you gave them to meet with you, and I know they've already sent you some additional comments on the subject. I hope that all of it is helpful to you for the upcoming debate in the Senate.

I wanted to add several comments of my own. As I mentioned at the meeting in Du-

luth, I have concerns regarding some of the broader issues. One of them is with adult learners that for one reason or another are living on public assistance. I hope they have access to any and all programs that are developed and that they will not lose any of their benefits as a result of being compensated while in an apprenticeship program. Another area of concern is high poverty areas that may receive some opportunity grants for training programs. While training is certainly important, the larger issue may be economic development for those areas. Training individuals without having local opportunities could drain the area of its human assets, which in the long run could further depress the area. Finally, in my development of programs at the local level the biggest challenge by far has been getting businesses interested and involved. In the long term I think they will come to understand that it is imperative that they actively support school-to-work programs. In the short term, however, I sense that some incentive may be needed to get them involved. This could be targeted job tax credits or other types of assistance. I also would like to see the many national business organizations brought together to discuss the issues with other organizations, such as the Chamber of Commerce, to identify possible strategies and advantages for development of programs at the local level.

I am convinced that business needs to be in the drivers seat on school-to-work transition programs. They are the customer for the product (the student) and must push education and others to break out of their traditional molds. I read somewhere a quote that said, "Companies must leverage an investment in training into a competitive advantage. In our new economy, people must be treated as assets to be developed in order to add value, not as costs to be reduced." I believe this, and support your efforts to develop a school-to-work transition program for the United States.

Sincerely,

DALE J. JORGENSON,
Youth Apprenticeship Coordinator.

Mr. DOMENICI. Mr. President, we voted earlier today on final passage of S. 1361, the School-to-Work Act. I voted against this bill, and I want to explain my concerns.

I agree that we need to do a better job meeting the needs of our students who are not college bound. Fifty percent of our young people do not go on to college, yet our public resources are devoted almost exclusively to those who do. In the meantime, 70 percent of the jobs in the United States do not require a college education.

I, too, think we need to improve the school-to-work transition, particularly in those areas where skills require constant modification and updating as technology becomes available. However, I am not convinced that this bill is the way to do it.

I believe we should focus our efforts more on consolidating the innumerable existing programs into one coherent system, rather than implementing yet another new program. Many of my colleagues have argued that this is not a new program and that consolidation of existing programs is one of this bill's objectives. However, it seems to me indicative of the Congress' need to create a new program first, then assess later. I fear this will become another standalone program alongside our other job training programs that need consolidating themselves. We are, in effect, supplementing, rather than supplanting what needs fixing. I see very little in this legislation to satisfy me otherwise.

We spend more than $24 billion each year on 154 employment and training programs. Let's look at providing some real incentives for consolidating existing programs before we create program No. 155.

Mr. SMITH. Mr. President, I rise today to express my opposition to the pending legislation, the so-called Goals 2000 educational reform bill.

I applaud the effort on behalf of our children that this bill represents. However, as a school board member and chairman for 6 years, I feel that this particular piece of legislation takes the wrong approach to the reform that our schools desperately need.

During the Charlottesville Conference that served as the seed of the Goals 2000 legislation, our Nation's Governors agreed that a key to improving our schools was local flexibility and control. It is my fervent belief that little will result from this pale shadow of the original goals concept apart from a new, rigid Federal education bureaucracy that will stifle innovative reform efforts at the grassroots level.

Supporters of this bill claim that this is not so—compliance with the provisions of the bill is strictly voluntary. In fact, the word "Voluntary" is used in the Goals 2000 legislation no less than 75 times, as if merely repeating the word so often would make it so. However, as many have already pointed out, there is little about this bill that is truly voluntary.

Goals 2000 would set up new bureaucracies in the form of the national educational goals panel and the National Education Standard and Improvement Council [NESIC], which would be charged with developing national content and performance standards. States would have to conform to these standards in order to qualify for a share of the $400 million in grants authorized by Goals 2000.

This is coercion; States looking for additional funding streams for their educational systems will find it next to impossible to resist the political pressure to apply for these funds, and therefore submit themselves to the dictates of the NESIC. It is difficult to fault States for seeking to recover some of the tax dollars they send to Washington.

It is additionally clear that after these standards are in place, further attempts will be made to link all Federal funding to State compliance. When the Senate takes up the Reauthorization of the Elementary and Secondary Education Act, my colleagues will notice that we are already sliding down the slippery slope toward mandatory compliance with Federal standards. On page 18 of the "Improving America's Schools Act of 1993," the ESEA reauthorization bill, States are required to submit a plan that either first "is integrated with the State's plan—under title III of the Goals 2000: Educate America Act" or second, is integrated with other State plans under ESEA. The sequence here is important; I believe it heralds future attempts to require States to comply with national standards as a condition for receiving any Federal education funds.

In effect, then, what we are doing in the name of the noble goal of creating better educational opportunities for our children, is laying the groundwork for a national school board that will use the power of the purse to dictate standards to our schools. This is not right, and is exactly what opponents of the creation of the Department of Education were afraid of.

In conclusion, I believe that this piece of legislation will help carry us toward a future where local school systems surrender their authority to a powerful Federal educational bureaucracy, where decisions regarding curriculum, teacher training, and school spending are made in Washington. This will draw us away, I'm afraid, from our goal of making our schools work.

I urge my colleagues to vote against this dangerous and shortsighted legislation.

Mr. CHAFEE. Mr. President, I would like to take a moment to discuss my grave concerns with the Helms amendment adopted by the Senate last week.

The essence of the Helms amendment is as follows:

> No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency:
>
> Which has a policy of denying, or
>
> Which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis * * *.

This amendment at first glance may sound quite reasonable: It seems to say that no school may prevent a child from engaging in constitutionally protected prayer in school; and any school that does so will lose its funding. For those of us who believe strongly that the right to exercise one's own religious beliefs, free from interference, is one of the single most important guarantees of our Federal Constitution, this amendment may appear reasonable, and indeed, attractive.

But upon closer inspection, this amendment is fraught with danger, and I believe my colleagues need to query whether this amendment achieves its purported goal.

First point: The key to this amendment lies in three words: "constitutionally protected prayer." If schools

are to comply with the amendment's direction, obviously they must understand exactly what constitutes "constitutionally protected prayer." Yet this is a question that the courts have wrestled with for decades. The first amendment simply says "Congress shall make no law respecting an establishment of religion"—but it does not define what kind of school prayer crosses that line. This area of constitutional law is far from settled; debate rages on today.

This issue is particularly close to home for Rhode Islanders. Our State was founded by Roger Williams in 1636 as a result of a desire for freedom from Government sponsorship of religion. Moreover, the last time the Supreme Court addressed a school prayer case was in Lee versus Weisman, a 1992 decision involving the Nathan Bishop Middle School in Providence, RI. From this case we in Rhode Island have learned first-hand just how unsettled this area of constitutional law is.

The Lee versus Weisman case involved whether or not a clergyman's benediction at Nathan Bishop's graduation ceremony violated the first amendment. The case was filed in June 1989. In January 1990, the district court judge ruled that the benediction violated the Constitution. In July 1990, a divided first Circuit Court of Appeals upheld the district court decision by a 2 to 1 vote. The school board appealed to the Supreme Court, and in June 1992, the Court handed down a final decision. That final decision was by a 5 to 4 vote.

Thus, after 4 years of litigation and three court rulings, at last a final determination was made on Nathan Bishop's benediction: In this particular case, the benediction was found to violate the Constitution.

After all this, did this decision clear up the many uncertainties about prayers in our schools? By no means. Just 6 months after the Lee decision, a Fifth Circuit Court ruling that seemed to directly contradict the Lee ruling was nonetheless reinstated. Other cases continue to be brought, as public schools across the Nation adopt—or don't adopt—some form of prayer and are challenged.

The quandry this continuing unresolved question has created for school administrators is perhaps best exemplified by the following example:

About 1 year after the Supreme Court's Lee decision, a group called the American Center for Law and Justice sent a bulletin to 15,000 public school superintendents nationwide. The bulletin stated that—

> School officials must understand—that the Lee decision in no way diminished the well-established free speech rights of students, including the right to religious speech,

and went on to warn that students have a right to include a benediction in their graduation ceremonies.

Three weeks later, the American Civil Liberties Union sent their own letter to the same 15,000 superintendents strongly countering the assertions made in the American Center for Law and Justice letter, and noting that the ACLU "will be monitoring developments in this area."

What is the school superintendent who receives these mailings to do? According to one legal organization, school prayer is quite constitutional; according to another, it is not. Such mixed signals—and warnings—are a burdensome distraction for school officials, on top of their many other concerns.

Is a student-led prayer permissible? What about a prayer or blessing offered by a clergyman? Can a nonsectarian prayer be read at a graduation ceremony? How about read over the school loudspeaker, at the start of the school day? What about after-school voluntary prayer activities? Each superintendent has to wrestle with these questions.

Moreover, all this is doubly complicated for Rhode Island officials. In our State, the ethnic makeup of our population is rich and varied. For example, 15,500 of our residents were born in Asia; 6,800 were born in South America; and 6,500 were born in Africa. This diverse makeup invariably means that the religious beliefs of our populace—including its children—range widely. It therefore is difficult to ensure that any one single prayer can fit the many religions of our population.

My point is this: This area of constitutional law is muddy, to say the least. The term "constitutionally protected prayer" may sound quite clear. But how exactly is a school to provide for such prayer if legal scholars and the courts—let alone the beleaguered school—superintendent—cannot agree themselves on when a religious verse crosses the line into unconstitutionality?

As an official of the Association of American School Administrators told me:

> We're certain this amendment muddies the waters, and the waters already were muddy. The prayer cases of last year were very confusing and from our perspective this will make it worse.

Second point: Although for the above reasons, schools would find it difficult if not impossible to comply with the Helms amendment, the amendment itself offers a very, very compelling reason to somehow achieve the impossible: Loss of Federal education funds.

Of all the tools the Federal Government has at its disposal to encourage States to follow Federal wishes, the loss of Federal funds is perhaps the most powerful. It is no trivial matter; often millions of dollars are involved. Thus, I believe this type of threat—for that's what it is—should be used sparingly, only in those cases where the Federal Government has an extraordinary interest in the public welfare.

For that reason I view the amendment as an example of the worst kind of Federal mandate that Washington hands out. The amendment States clearly that any school not complying with its terms will lose its Federal education grant. Because the education moneys are enormous, the schools would have no choice but to do what Washington demands.

Certainly, Rhode Island would have to bow down to Washington's wishes. Our State's schools receive nearly $60 million in Federal education moneys—every cent of which would be at risk should this amendment become law. The amendment would mean no more Federal money for 36 programs like Chapter One, Even Start, Drug-Free Schools, Special Education, Vocation Education, and Literacy. Moreover, it could threaten our guaranteed student loans, and any education contracts or discretionary grants that we now receive.

In sum, the Helms amendment asks States to do the impossible, or else risk losing millions of crucial education dollars.

If the amendment is enacted into law, schools from Westerly to Providence to Woonsocket will have no choice but to try to steer a course through the jumble of court rulings in an effort to comply. Given the religious diversity of our State, this inevitably will mean a string of lawsuits alleging that a school is violating the Constitution—exactly what happened to Nathan Bishop.

Do you know what the Nathan Bishop case cost the city of Providence—and therefore the taxpayers? Providence paid a staggering $110,000 in legal costs—and at the end of the day, after years of legal battles, they lost. The lawsuits that would arise from the Helms amendment will cost the already financially struggling schools dearly and make lawyers rich; $110,000 of taxpayers' money spent on lawyers is $110,000 less spent on books and instruction.

I believe this amendment is born of the fact that many people want very much to allow religious values into public schools—but that in many cases, the courts' interpretations of the Constitution make that impossible or uncertain. But no matter how strongly one feels, it is foolhardy to vent frustration at the Supreme Court—or for that matter the Constitution—by placing our schools on the horns of a terrible dilemma.

We must and should ensure that all Americans—be they adult or child—are able to freely exercise their religious beliefs without interference. As the history of this Nation shows, religion is and always will be a key element of American life.

But this amendment will not enhance the role that religion plays in children's lives. Instead it will add confu-

sion to an already confusing and convoluted situation, and in the process wreak havoc with our States' efforts to educate our children.

Mr. DURENBERGER. Mr. President, as we conclude this debate on the Goals 2000 proposal, I want to commend the bill's managers for accommodating a number of improvements that I and others have suggested, while still sticking to the underlying objectives of this legislation.

I also want to point out several important provisions in this bill which need to be strongly supported in conference if this legislation is to retain the kind of broad bipartisan support that it will need to become law.

There has been a great deal of discussion during this debate, Mr. President, about the need to reform the education system—a system that is showing serious signs of distress, signs that include:

Low test scores compared to our international competitors;

Rising levels of violence that threaten both students and teachers;

Severe financial pressures that are closing schools, forcing layoffs, cutting valuable programs, and raising average class sizes; and

Teacher strikes and high rates of turnover in top administrative positions, especially in our Nation's largest urban school systems.

As we try to address these problems, Mr. President, we must remember that every local school system is different. And, we must not forget that most of the responsibility for organizing and funding schools lies at the State and local level.

That means uniform national solutions won't solve these problems, as much as we in the Congress or administration might want to help.

I'm also not convinced that more money will do the job—at least not within the current system.

We're already spending something like $200,000 per classroom in New York City's Public Schools.

That should be enough. But, too much of it is going to central administration bureaucrats, to one of the Nation's largest police departments, to one of the Nation's largest food service companies, to assistant superintendents and deputy curriculum directors and all the rest.

The same is true here in Washington, DC, where a task force headed by Alice Rivlen a couple of years ago found that a third of the employees of the D.C. school system work—not in neighborhood schools—but in the central administration downtown.

Every school system in this country doesn't face the same challenges we see in New York or Washington. But, too many are part of a system that desperately needs real reform.

EXPECTATIONS FOR REFORM AT CROSSROADS

Mr. President, I have placed a high personal priority over the last 5 years on using my position on the Senate Labor Committee to help define a positive and effective Federal Government role in support of State-based education reform.

Following the 1992 election, I looked forward to accelerating that effort with both a President and Secretary of Education who were among the first, and best, of the 1980's crop of education Governors.

It's within that context that I have followed closely the introduction and evolution of President Clinton's Goals 2000 initiative. I, and many others, have suggested a number of changes in the President's proposal. And, because of those changes, this is a different and better bill.

As this dialog has gone forward, Mr. President, it's also been clear that we don't yet have consensus in the Congress on what role the Federal Government should play in support of State-based education reform.

In part, my concern reflects the experience we had in conference 2 years ago, as we attempted to reconcile differences over the Neighborhood Schools Improvement Act—S. 2. I do not want to see the President's Goals 2000 proposal succumb to the same fate—lacking strong bipartisan support and lacking a significant affirmative constituency outside the Washington Beltway.

Without such support—especially from Senate Republicans and from Governors in both parties—we could easily repeat our previous experience with S. 2. And, although I don't welcome the thought of another legislative stalemate, I agree with those who argue that "no bill is better than a bad bill."

SENATE BILL SHOWS DEFERENCE TO STATE AND LOCAL INITIATIVES

Fortunately, Mr. President, the legislation now before us includes a number of features that support and show deference to State and local education reform initiatives.

For example, one very positive feature in Goals 2000 is the provision allowing States to use State-level improvement funds to support public school choice initiatives, including information and referral programs; and to support the establishment of innovative new public schools, including magnet schools and charter schools.

Under language I suggested, local school districts may now also use a portion of their grant funds to support innovative new public schools.

A second positive feature of this legislation, Mr. President, is the discretion it gives the Secretary of Education to waive planning requirements for States that have already done comprehensive and systemic improvement plans.

It's my expectation, Mr. President, that the Secretary will use this authority broadly to offer States maximum flexibility in meeting the planning requirements of the bill—both in the incorporation of previous planning and in the use of existing State structures that have prepared those plans. We should not second guess the methods used by States to achieve the results articulated in the legislation.

Mr. President, a third positive feature included in this bill is its national leadership section that directs the Secretary of Education to disseminate information on outstanding examples of local and State-based education reform through a variety of means such as publications, electronic and telecommunication media, and conferences.

It's my hope that Secretary Riley and his successors will use this authority in much the same way it was used by his predecessor, Lamar Alexander. Through use of the bully pulpit, a Secretary of Education, especially one who is a former Governor, can do a great deal to highlight outstanding examples of reform and to urge their replication or adaptation elsewhere.

WAIVERS FROM FEDERAL RULES AND REGULATIONS

Mr. President, I'm especially pleased that this legislation now includes several significant opportunities for States and local school districts to get out from under the burdens of Federal rules and mandates.

Under an amendment that Senator HATFIELD and I authored, up to six States will be able to seek broad authority to waive both Federal and State mandates—rules and regulations that now stand in the way of doing what teachers, principals, and parents now must be done to improve their schools.

Minnesota is leading the rest of the country in replacing accountability for schools that's now based on inputs—like how many hours students have to be in the classroom and how many days have to be in the school year—with standards that reward schools based on what students actually learn. For that reason, I'm very hopeful that Minnesota will be one of the six States chosen to participate in the demonstration Senator HATFIELD and I authored.

Mr. President, I want to emphasize the fact that this legislation places certain fundamental protections off-limits from this waiver authority and also requires that those seeking waivers demonstrate that the underlying objectives of the regulations being waived will not be jeopardized.

To monitor whether that commitment is maintained, we will need a more localized, manageable, and effective alternative accountability mechanism for schools and districts that receive waivers. Ideally, that alternative accountability mechanism will be local and results oriented.

One such alternative is now embodied in the laws of States that have author-

ized charter schools. Although these laws vary, they generally allow public schools to operate free of most rules and regulations in exchange for a multiyear, results oriented performance contact with a State or local education agency or some other public body.

This arrangement keeps accountability with an entity that can provide effective oversight. It keeps the number of deregulated schools that need to be monitored by each oversight agency relatively low. And, it shifts the focus of accountability from input-oriented rules and regulations to contractually agreed to results.

Clearly, the waiver provisions contained in the Goals 2000 proposal will take some time to fully implement. And, I would hope that, as these provisions are implemented, alternative accountability mechanism—including an oversight role for State or local education agencies, a clear focus on results, and the use of contracts or other formal agreements between deregulated schools and the State or local education agency—will be given a fair test.

I also hope that the more general subject of the role of Federal waivers in education reform, including how those waivers are granted and administered, will be given additional consideration in this year's reauthorization of the Elementary and Secondary Education Act.

OPPORTUNITY-TO-LEARN STANDARDS COULD COUNTER DIRECTION OF REFORM

Finally, Mr. President, let me comment briefly on the provisions in this proposal that authorize so-called opportunity-to-learn standards.

As Senator KENNEDY knows, I have been among the most strident critics of these standards. I have not been alone. And, I know that the administration, the Nation's Governors, and many others have worked hard to reach agreement on several important changes to clarify the role that opportunity-to-learn-standards will play in meeting the objectives of this bill.

I strongly support retaining those changes, Mr. President. And, I am pleased that the Senate did not agree to the amendment offered and withdrawn during this debate by my distinguished colleagues from Illinois and Minnesota. That amendment would have required States to adopt and implement opportunity-to-learn-standards.

The way in which opportunity-to-learn-standards have now been limited by this bill are very important to me, Mr. President, and to many of my colleagues, as well as to Governors, State and local education officials, and school reform leaders all around the country.

I strongly believe we must retain these provisions in conference. And, I will vigorously oppose any efforts to change the limitations the bill now placed on opportunity-to-learn standards as we reach a compromise on these and other differences with the House.

In approaching the conference, Mr. President, I have identified five important limitations I believe must be drawn around these standards:

First, compliance with opportunity-to-learn-standards must be strictly voluntary. And, there must be no link between achieving such standards and eligibility for Federal education improvement funds or funds authorized by chapter 1 or other Federal programs.

Second, compliance with a uniform and mandatory list of opportunity-to-learn-standards must not be considered a prerequisite to being held accountable for tough, results-oriented academic standards.

Third, meeting opportunity-to-learn-standards must be viewed as only one of a number of alternative strategies available to State and local education agencies and to schools in achieving academic standards.

Fourth, we must accept the reality that all schools and communities are unique. Therefore, we must recognize that some opportunity-to-learn-standards may contribute to achieving performance standards in some schools or communities and other opportunity-to-learn-standards may make that contribution in others.

And, finally, States and local districts and schools must be able to decide which opportunity-to-learn-standards may contribute to achieving academic standards in their unique circumstances.

I believe these limitations are consistent with the legislation now before us, Mr. President. But, during the upcoming conference committee deliberations with the House, I intend to make sure that those limitations are not violated.

To repeat what I said earlier, we are now at a critical crossroads in designing a proper and effective Federal role in support of State-based education reform.

This Senator would like very much to be able to support a conference committee agreement that achieves that objective.

But, this Senator will not hesitate to oppose, with any and all means available, a conference committee report that runs counter to that objective and that does more harm than it does good.

PROPOSAL, AS MODIFIED, DESERVES SENATE APPROVAL

Having noted the various improvements that have now been made, Mr. President, I am prepared to vote to approve S. 1150.

I'm pleased with the authority it gives States and local school districts to increase parent choices and help start innovative new public schools.

I strongly support the authority this legislation grants the Secretary to grant waivers to States, districts, and schools that are stifled by input-oriented rules and regulations and are now willing to be held accountable for what students actually learn.

And, I believe the changes that have now been made in the provisions dealing with opportunity-to-learn-standards need not stand in the way of the important reforms now taking place in education all over America.

At the same time, Mr. President, I've noted those issues that might cause me to oppose a conference committee agreement on this legislation.

I also believe we must realize the limitations of this legislation and the reality that achieving the goals it would make law will require the leadership of States and the dedicated efforts of teachers, parents, students in every community in this Nation.

Real reform in education will not result just from changes in Federal law or Federal programs. But, the legislation we are now considering could help establish a framework within which that real reform can, and must, now take place.

Mr. KENNEDY. Mr. President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only have we passed Goals 2000, education reform legislation, the first such legislation that has successfully made its way through Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act, and the Office of Educational Research and Improvement legislation, a bill that has been waiting passage for 3 years. This morning we passed the School-to-Work Act.

In passing Goals 2000, we will have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me last month:

> If I could ask you to take a single message back to Washington, it would be this: Please have a sense of urgency about what we are doing here with students, and help us.

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America.

We are sending a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core sub-

jects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs—at the local level—with parents, teachers, and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a bottom-up review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this essential bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank also Senators MITCHELL, PELL, and KASSEBAUM, without whom this bill certainly would not have moved so smoothly through the Senate.

This has been a long and deliberate process. In 3 days, we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill, but have left its essence intact: a framework for high academic standards, locally developed and implemented with our support.

And so I commend all of my colleagues for taking this needed step toward education reform. We owe no less to the Nation's children, their teachers, and their schools.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN], would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. GRAMM] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 25, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—71

Akaka	Exon	Mikulski
Baucus	Feingold	Mitchell
Biden	Feinstein	Moynihan
Bingaman	Ford	Murray
Bond	Glenn	Nunn
Boren	Gorton	Packwood
Boxer	Graham	Pell
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Kassebaum	Sarbanes
Cochran	Kennedy	Sasser
Cohen	Kerrey	Shelby
Conrad	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Domenici	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Durenberger	Metzenbaum	

NAYS—25

Bennett	Grassley	McConnell
Brown	Gregg	Murkowski
Burns	Hatch	Nickles
Coats	Helms	Pressler
Coverdell	Kempthorne	Smith
Craig	Lott	Wallop
D'Amato	Lugar	Warner
Dole	Mack	
Faircloth	McCain	

NOT VOTING—4

Gramm	Johnston
Hutchison	Moseley-Braun

So the bill (H.R. 1804), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses on H.R. 1804. The Chair is authorized to appoint conferees.

The Presiding Officer (Mrs. FEINSTEIN) appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER.

The PRESIDING OFFICER. Under the previous order, S. 1150 is indefinitely postponed.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3759

Mr. MITCHELL. Madam President, I ask unanimous consent that on Wednesday, February 9 at 10 a.m., the Senate proceed to the consideration of H.R. 3759, the emergency supplemental appropriations bill.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items numbered 614, 615, 616, 617, and 618.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

J. Davitt McAteer, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

James A. Joseph, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term of 5 years. (New position.)

Shirley Sachi Sagawa, of Virginia, to be a Managing Director of the Corporation for National and Community Service. (New position.)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Stuart E. Weisberg, of Maryland, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1999.

ACTION AGENCY

James A. Scheibel, of Minnesota, to be Director of the ACTION Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REPORT OF PROPOSED RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to

the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Foreign Relations, to the Committee on Finance, to the Committee on Labor and Human Resources, and to the Committee on Environment and Public Works.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $1.6 billion, three revised rescission proposals, and 27 new proposed rescissions of budget authority. The total of the rescission proposals included in this special message is $1.6 billion. When combined with rescissions that went to the Congress on November 1, 1993, there are $3.2 billion in rescissions pending before the Congress.

The details of the revised deferral, which affects International Security Assistance, are contained in the attached report. The proposed rescissions affect International Security Assistance Programs; the Departments of Agriculture, Defense, Energy, Housing and Urban Development, State, Transportation, and the Treasury; the General Services Administration; the National Aeronautics and Space Administration; the Board for International Broadcasting; the National Science Foundation; and the Nuclear Regulatory Commission.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 7, 1994.*

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-2091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-164 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-165 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-166 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-167 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-168 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-169 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2097. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-170 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2098. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-171 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2099. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-172 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2100. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-173 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2101. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-180 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2102. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-181 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2103. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-182 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2105. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2106. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report concerning records management activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC-2107. A communication from the Attorney General, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2108. A communication from the Secretary of the Mississippi River Commission (Corps of Engineers), Department of the Army, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2109. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Analysis of the District of Columbia Water and Sewer Utility Administration's Fiscal Year 1992 (Revised) Financial Plan"; to the Committee on Governmental Affairs.

EC-2110. A communication from the Chairman of the Advisory Commission Intergovernmental Relations, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC-2111. A communication from the Postmaster General, transmitting, pursuant to law, the annual report for fiscal year 1993 and the comprehensive statement on postal operations; to the Committee on Governmental Affairs.

EC-2112. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2113. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2114. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2115. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2116. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the report of the actuarial valuation for the Comptroller General's retirement system for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2117. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2118. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2119. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2120. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2121. A communication from the Administrator of the Small Business Adminis-

tration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2122. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2123. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General for the period April 1, 1993 through September 30, 1993; to the Committee on Governmental Affairs.

EC–2124. A communication from the Manager (Benefits Communications), Ninth Farm Credit District Trust Committee, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Governmental Affairs.

EC–2125. A communication from the Comptroller General of the United States transmitting, pursuant to law, notice of the reports and testimony for December 1993; to the Committee on Governmental Affairs.

EC–2126. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2127. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2128. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2129. A communication from the Acting Secretary of the American Battle Monument Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978; to the Committee on Governmental Affairs.

EC–2130. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of a bid protest during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2131. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2132. A communication from the Acting Administrator of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report under the Chief Financial Officers Act for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2133. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2134. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2135. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2136. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a compilation of General Accounting Office reports and testimony issued during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2137. A communication from the Chairman of the Arctic Research Commission, transmitting, pursuant to law, a report entitled "Arctic Research and the United States"; to the Committee on Governmental Affairs.

EC–2138. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report and notice of expansion of denial of Federal Benefits Project Clearinghouse; to the Committee on Governmental Affairs.

EC–2139. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2140. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2141. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Governmental Affairs.

EC–2142. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC–2143. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2144. A communication from the Acting Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2145. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC–2146. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3759. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

S. 1608. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on November 1, 1993, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

S. 1832. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on February 7, 1994, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

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. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL EDUCATION STATISTICS ACT OF 1994

• Mr. PELL. Mr. President, on behalf of the Clinton administration, I am pleased to introduce the National Education Statistics Act of 1994. The bill is a reauthorization of authority for the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP], which provide meaningful information on the educational achievement and progress of American students.

For more than 25 years, I have called for both tough, challenging standards and high quality assessments in general education. To my mind, they are the keys to effective and widespread reform. The Goals 2000 legislation moves clearly in the direction of establishing voluntary national content and performance standards for all students. The National Education Statistics Act follows suit in reauthorizing administration of NAEP or the national test as it has been called. The bill calls for greater flexibility in implementation of NAEP and strengthens the Advisory Council on Education Statistics. To my mind, the bill's overall thrust moves in the right direction.

I am concerned, however, that the linkage between NAEP and any national content or performance standards be clear and strong. To my mind, it is important that we report NAEP results in a way that relates them directly to valid and reliable performance standards. This, in turn, will aid States and localities in making the difficult but necessary decisions required of them in building a system of education whose hallmark is excellence. It is my hope that specifically in this area we may be able to strengthen the legislation submitted by the administration.

Mr. President, if we cannot ascertain where we are in education, it will be very difficult to agree where we should be going. In that regard, the Clinton administration's National Education Statistics Act merits strong support and enactment.●

● Mr. JEFFORDS. Mr. President, on behalf of the Clinton administration, I join my colleague, Senator PELL, to introduce the National Education Statistics Act of 1994. This bill provides for the reauthorization of the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP].

As is usually the case, legislation authorizing information collection and statistical reporting does not make the headlines. NCES and its congressionally mandated NAEP project may be one of the best-kept secrets in American education. For the past 25 years, NAEP assessments have provided one of the only measures we have of how, or if, student achievement has changed. With the demand for high standards and the need for improved student learning NAEP's role becomes even more important. Furthermore, the increased attention to student academic outcomes have led to increased attention to, and demands for, improvement in NAEP assessments, scoring methods, and survey needs.

State and local educators are designing standards for what our children must know and be able to do to be ready for the next century. We, in turn, must have a mechanism to measure how students are faring so that we can then assist them in meeting the demands of the future. This reauthorization provides Congress the opportunity to reevaluate NAEP and NCES and ensure that both programs continue to provide reliable data necessary to gauge the education achievement of this Nation.●

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

MEDAL OF HONOR FOR JOHN W. MITCHELL

Mr. DOLE. Mr. President, I rise today to introduce a bill which will correct a mistake of the past. This mistake involves the wrongful denial of our Nation's highest military honor to a distinguished American—John W. Mitchell.

In 1943, the United States Navy was intercepting the encrypted messages of the Japanese Armed Forces. Unbeknownst to the Japanese, the United States had broken the enemy code. On April 16, 1943, a message was intercepted that indicated Adm. Isoroku Yamamoto, chief of the Japanese combined fleet, would be visiting Japanese troops on several of the Solomon Islands on April 18, 1943. Admiral Yamamoto was Japan's foremost naval strategist and the architect of the surprise attack on Pearl Harbor. At 6 a.m., December 7, 1941, over 300 Japanese aircraft left the flight decks of their aircraft carriers bound for Pearl Harbor. Although the attack took less than 2 hours, the cost to the United States was great. In all, the fleet at Pearl Harbor lost 18 warships, including the battleships *Arizona*, *West Virginia*, and *California*. Over 4,200 Americans were either dead, wounded, or missing.

Upon learning of Admiral Yamamoto's plans to visit the Solomons, Admiral Nimitz ordered Adm. Marc Mitscher, commander air, Solomon Islands, to intercept Yamamoto's plane. Maj. John W. Mitchell, commander of the 339th fighter squadron, volunteered for the mission. On the morning of April 18, 1943, Major Mitchell led 18 P-38's from Guadalcanal Island on what would later be called the "longest fighter intercept in history." Flying over 494 miles, only 50 feet off the water, they intercepted Yamamoto's plane and its escorts over Bougainvillea Island, precisely as Major Mitchell had planned. Major Mitchell's unit downed Yamamoto's plane as well as that of his chief of staff and three Zero fighters. All but one of Mitchell's squadron returned to Guadalcanal.

Admiral Mitscher recommended that Major Mitchell and four other pilots receive the Congressional Medal of Honor, our Nation's highest military honor. However, this recommendation was denied. At the time, awarding the Congressional Medal of Honor to pilots for shooting down two bombers and three fighters might reveal that the United States knew Admiral Yamamoto was aboard one of the planes and alert the Japanese to the fact that their code had been broken.

John W. Mitchell has served this country with honor and distinction. During service in World War II and the Korean war, he flew over 240 combat missions with 16 confirmed aerial kills. He was the first fighter ace in the 13th Air Force and his decorations include the Air Medal with 9 Oak Leaf Clusters, the Distinguished Flying Cross with 2 Oak Leaf Clusters, the Distinguished Service Cross, the Bronze Star, the Navy Cross, and the Legion of Merit. However, the full extent of his dedication, service, and bravery exhibited on April 18, 1943, has never been recognized.

Mr. President, it is fitting that as we commemorate the 50th anniversary of World War II, we honor Colonel Mitchell. He has waited over 50 years to receive the proper recognition from his country. I ask my distinguished colleagues to support this bill and to bestow this honor upon John W. Mitchell.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

SUSPENSION OF TARIFFS FOR WORLD CUP PARTICIPANTS

Mr. RIEGLE. Mr. President, I introduce legislation to suspend the duty on the personal effects of participants and others associated with the 1994 World Cup soccer games. This summer, the United States will host the World Cup for the first time ever, a very special privilege for the United States. The World Cup, the largest single sporting event in the world, will include 52 games played in nine cities: Detroit, New York, Washington, Orlando, Boston, Dallas, Chicago, San Francisco, and Los Angeles. These games will have huge positive economic impacts in those cities and the surrounding areas.

Duty-free privileges are an important aspect of hosting an international sporting event. Granting these privileges to World Cup participants will give us the opportunity to reciprocate the hospitality that has been afforded our athletes in sporting events hosted by other countries.

There is considerable precedence for duty-free legislation for international sporting events held in the United States. Duty-free entry privileges were authorized for the 1993 World University Games in Buffalo, the 1990 Goodwill Games in Indianapolis, and the 1984 Summer Olympics in Los Angeles.

The revenue loss caused by the suspension of these tariffs will be negligible, while the positive effects of

continuing the policy of encouraging international sports competitions is great.

I hope my colleagues will join me in supporting the World Cup games and welcoming the athletes from all over the world to our country.

ADDITIONAL COSPONSORS

S. 12

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 1142

At the request of Mr. HARKIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1142, a bill to improve counseling services for elementary school children.

S. 1329

At the request of Mr. WALLOP, his name was withdrawn as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1805

At the request of Mr. WARNER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 150

At the request of Mr. SARBANES, the names of the Senator from California [Mrs. BOXER], the Senator from Idaho [Mr. CRAIG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Tennessee [Mr. MATHEWS], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate April 1994, as "Civil War History Month."

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. BURNS, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of the Congress that any Federal Government mandated health care reform should be on-budget.

AMENDMENT NO. 1382

At the request of Mr. STEVENS, his name was added as a cosponsor of Amendment No. 1382 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1388

At the request of Mr. HATCH, his name was added as a cosponsor of Amendment No. 1388 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1394

At the request of Mr. BUMPERS, his name was added as a cosponsor of Amendment No. 1394 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1404

At the request of Mr. BURNS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Amendment No. 1404 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1410

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1410 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENT NO. 1411

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1411 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENTS SUBMITTED

SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1933

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1434

Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to the bill (S. 1361) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes; as follows:

At the appropriate place insert:

SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

"(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term.".

MISCELLANEOUS TARIFF ACT OF 1993

WOFFORD AMENDMENT NO. 1435

(Ordered referred to the Committee on Finance.)

Mr. WOFFORD submitted an amendment intended to be proposed by him to the bill (S. 1711) to suspend temporarily the duty on certain chemicals; as follows:

On page 2, strike line 11 through the end of the page.

On page 8, strike line 7 through the matter ending before page 9, line 1.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, February 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act; and S. 1066, to restore Federal services to the Pokagon Band of Potawatomi Indians.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 8, 1994, at 8:30 a.m. in SR-332 on the nomination of Frederick G. Slabach, of Mississippi, to be an Assistant Secretary of Congressional Relations.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 8, 1994, at 2:30 p.m., in open session to receive testimony on the Defense authorization request for fiscal year 1995 and the future years' defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. 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 on Tuesday, February 8, at 2 p.m. to conduct a hearing on the International Monetary Fund-World Bank policies toward Russia.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 8, 1994, to receive testimony from Freta Joy Dicus, Margaret Hornbeck Greene, William J. Rainer, Kneeland C. Youngblood, and Frank G. Zarb, nominees to be members of the Board of Directors of the United States Enrichment Corporation.

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

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 11:00 a.m. to hear testimony from USTR Mickey Kantor on the subject of the GATT; and further that the committee be permitted to be met immediately following the conclusion of Ambassador Kantor's testimony to hear and consider the nomination of Mary Ellen Withrow to be Treasurer of the United States.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 8, at 11:30 a.m. to hold a nomination hearing on Strobe Talbott, to be Deputy Secretary of State.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, February 8, at 11 a.m., for a nomination hearing on: Edward J. Gleiman, to be member, Postal Rate Commission.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 8, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

SARAJEVO: OLYMPIC CITY UNDER SIEGE

• Mr. DECONCINI. Mr. President, exactly 10 years ago the eyes of the world were focused on Sarajevo as that city hosted the XIV Winter Olympic Games. Ten years later and after nearly 2 years of shelling, Sarajevo and its Olympic facilities lay in shambles. The city's stadium has been turned into a cemetery, the final resting place for some of the over 10,000 Sarajevans killed since the outbreak of fighting in and around the Bosnian capital.

This past weekend we witnessed yet another attack on innocent civilians in Sarajevo, this one claiming 68 lives and resulting in hundreds of injuries. Again we have heard cries of righteous indignation over this despicable event.

But no amount of hand-wringing is going to bring an end to aggression and genocide in Bosnia and Herzegovina spawned by Serb ultranationalism. Resolute action is required. The difficult options will not get any easier if we allow more time to pass. Will we look back a year from now and bemoan the fact that we did not act earlier?

Over the past 12 months the administration has engaged in endless equivocation, talking tough then backing down at the first hint of resistance. Officials have repeatedly bemoaned the fact that the West missed repeated opportunities to engage early and effectively in ways that might have prevented the conflict from deepening. As one who has consistently advocated the use of selective NATO airstrikes and the lifting of the arms embargo, I couldn't agree more.

How long will we allow the carnage to go on? As NATO fighters fly overhead, the calculated war of Serb aggression and genocide is played out with deadly consequences on the ground. There is only one way to stop the aggressor—and that is by force. It is time for those NATO jets to deliver a clear and long overdue message: we will not allow aggression and genocide to continue any longer. The time for equivocation is over. As witnesses to genocide, we have a moral obligation to intervene. It is time to back up our threats with actions in defense of Sarajevo, an Olympic city under siege.•

TRIBUTE TO WARNER L. JONES—KENTUCKY AND THE NATION LOSE A GIANT OF THE HORSE RACING INDUSTRY

• Mr. MCCONNELL. Mr. President, as my colleagues know, the thoroughbred industry is vital to my home State of Kentucky. Unfortunately, this past weekend that industry lost one of its pioneers, my dear friend Warner L. Jones.

Warner led what can only be called a full, exciting, and wonderful life. The world famous Churchill Downs race track in Louisville, KY, was founded on his great-grandmother's land and owes much of its current success to his leadership. He served as a director of the track for over 50 years, and was chairman during the historic track's revival in the 1980's. Warner did not take his commitment to Churchill Downs lightly. In 1969, when the track was in danger of being taken over, he borrowed almost $300,000 in order to buy more stock and help fend off the bid.

Under Warner and track president Tom Meeker's able guidance, Churchill Downs underwent a $25 million renovation as well as doubling its revenue. It was also during this time that in 1988 the track hosted for the first time the prestigious Breeders Cup event. It later hosted this exciting day in racing in 1991 and will again in November of this year.

Mr. President, Warner had since 1935 been one of the most influential breeders in America. From his picturesque Hermitage Farm in Goshen, KY, in Oldham County, he bred and housed some of the world's most influential thoroughbreds in the world. He was the only breeder to have ever bred winners in the Kentucky Derby, Kentucky Oaks, and a Breeders Cup race. In 1985, Warner sold one of his yearlings at the annual Keeneland sales for a world record $13.1 million.

Warner was also active on the legislative end of the business as well, Mr. President. He was one of the creators of the American Horse Council, a national association that represents the industry in Congress. As cousin to our former colleague Marlow Cook of Kentucky, it should come as no surprise that Warner was always diligent and effective in lobbying his industry's many vital interests. In fact, James J. Hickey, Jr., the current president of the American Horse Council, called Warner "one of the most important people in the horse industry in this century."

While this is indeed high praise, it in no way tells the entire story of this great American. Warner Jones was a man whose moral compass was always focused in exactly the right direction. An ardent believer in strong family values, he was a man of unparalleled character, integrity, and charm.

In his native Oldham County, Warner donated some of his property as well as thousands of dollars to the Oldham County Youth Football League. In spite of what some saw as a gruff exterior, Warner was a friend to all and had a particular soft spot for children. In fact, one of his friends said that Warner often carried with him a thank-you letter written to him by some of the kids he had helped get involved with the football league.

Mr. President, a loss like the one the Commonwealth of Kentucky and the horse industry has just suffered is not easily forgotten. I ask my colleagues to join me in remembering and honoring the significant contributions made during his productive lifetime. Having recently lost my mother, I understand the grief that his family is suffering and, therefore, would like to also extend my deepest sympathies and understanding to his wonderful wife Harriet as she goes through this trying time.

Mr. President, I would like to ask that an article from the February 8, 1994, Lexington Herald Leader be inserted into the RECORD at this point.

[From the Lexington (KY) Herald Leader, Feb. 8, 1994]

DEATH OF HORSEMAN JONES ENDS SPECIAL ERA

(By Billy Reed)

LOUSIVILLE.—Before Kenneland's world-famous summer yearling sale, you could usually hear Warner L. Jones Jr. moaning and fretting in that raspy voice of his over what cruel fate might have in store for him.

"My whole business, my success or failure for a whole year," Jones once said, "is decided in three hours on one night of the year at Kenneland. I don't know of any other business where you have that kind of pressure."

Yes, but he thrived on it. At the end of a sale, ol' Warner usually was smiling as he headed back to Hermitage Farm, his five hundred-acre spread just off U.S. 42 in Oldham County, about 20 minutes from downtown Louisville.

In July of 1964, Jones sold a yearling colt for $150,000, a world record that looked laughable in the summer of 1985, when he sold a Nijinsky-My Charmer colt for $13.1 million, the current world record and one that's likely to stand forever.

"I knew he was a helluva colt," salesman Jones said. "He was one of a kind, like a precious stone or jewel."

So, too, was Jones, who died Sunday night at the age of 78 after a long bout with cancer. Earthy more than polished, Jones was as shrewd a horseman as ever came down the pike.

His death ends the era that began in the 1940s, when smart, hard-nosed, persuasive horsemen such as Jones, A.B. "Bull" Hancock Jr. of Claiborne Farm and Leslie Combs II came to dominate the breeding world.

They were alchemists with an almost preternatural ability to produce excellent horses, and they loved the challenges of trying to beat the market, the races and, of course, each other.

"It's a fad, like women's hats or something," Jones once said. "You try to guess which stallions will be popular three years away. If I guess right, I'm a genius. If not, I've lost money."

Of all the big-time Kentucky breeders, only Jones didn't live within a 25-mile radius of Lexington, and one reason was his lifelong love affair with Churchill Downs, the home of the Kentucky Derby.

His great-great-great grandmother was a Churchill, and Col. M. Lewis Clark, the track president when it opened and held the first Derby in 1875, was an uncle three generations removed.

A Churchill director since 1941, the year Whirlaway won the Derby, Jones was especially proud that he was the first horseman to breed and sell winners of both the Derby (Dark Star in 1953) and Kentucky Oaks (Nancy Jr. in 1967).

After succeeding John W. Galbreath as Churchill's chairman of the board in 1984,

Jones replaced track president Lynn Stone with Tom Meeker, opening the way for the track to undertake the most aggressive remodeling and marketing program in its history.

Of all the changes made at Churchill, Jones' baby was the construction of the turf course in the track's infield, which enabled Churchill to attract the Breeders' Cup and diversify its racing cards.

Typically feisty and combative throughout the campaign to get the turf course done, Jones became exacerbated with critics who accused him of not caring about the infield's beauty.

"It's nothing but grass we're talking about," Jones growled, "They're not going to set up Coca-Cola signs and Falls City beer signs in there. There's nothing prettier to look at than green grass and pretty girls."

That was vintage Jones.

Although he always had a wink and a smile for a female he found attractive, Jones seemed most at home in the company of men, where he could argue and joke and tell stories without having to worry about his salty language.

Yet he also gave up drinking years ago and became such a confirmed teetotaler that Churchill employees always were careful about how much they drank around him, for fear of becoming the objects of a stern Jones scowl and a stern Jones lecture.

He hated to lose a game of golf or cards almost as much as he hated to get the short end of a horse deal, but he also could laugh at himself.

For example, he liked to tell about a summer at Saratoga in the 1940s, when he still was getting established and Combs outmaneuvered him to syndicate a stallion that both wanted.

It was a funny story, made more so by the gravel in Jones' voice. Such a voice. When he called, you knew who it was before he identified himself.

And then you listened closely because when it came to the horse business, Warner L. Jones always had something important to say, which is just one of the reasons he'll be so terribly missed.•

DR. NEIL P. HYCHE, DISTINGUISHED ALABAMAN, RETIRES

• Mr. SHELBY. Mr. President, in January 1994, upon his retirement as superintendent of education of Tuscaloosa County schools, the Alabama Education Association lost a distinguished and dedicated servant, Dr. Neil Hyche.

Dr. Hyche was born in Northport, AL, in 1931. As a member of the U.S. Army, he spent 2 years stationed in Europe serving his country from 1954–56. He earned a bachelor's degree in secondary education from the University of Alabama in 1959, a master's degree in elementary education in 1963, and his educational doctorate from the university in 1972. He has been an esteemed member of the university and Tuscaloosa communities throughout his life, and through his commitment to education has enriched the community as a whole.

Dr. Hyche distinguished himself through his unwavering commitment to the betterment of the educational system. As a teacher he left an everlasting impression on the many students who dwelled in his classroom. After his teaching career, he devoted many years to school administration, including 5 years as a principal in the Tuscaloosa County schools. Since 1986, he has served as superintendent over Tuscaloosa County, where he showed outstanding leadership and was awarded the 1993 District Superintendent of the Year Award.

As an administrator in the Tuscaloosa schools, Dr. Hyche was known for his sense of fairness and for commitment to his students, his faculty, and to the community. He participated in many developmental activities, thereby further increasing his capabilities as an administrator. A few of these activities include: National Association of School Boards, American Association of School Boards, American Association of School Administrators, and the Technology and Learning Conference. Right up to his retirement date, Dr. Hyche constantly strived to reach his maximum potential.

Finally, Dr. Hyche's life exhibits an intense commitment not only to his career, but also to the betterment of his community. He serves in many area leadership positions, and has gained recognition in several. He received the 1989 Conservationist of the Year Award from Woodmen of the World, the Honorary State Farmer Award from the Future Farmers of America in 1988, and he was elected to the board of directors for the American Red Cross and the department of human resources.

Dr. Hyche is truly among the most engaging persons one could ever hope to encounter, and the Tuscaloosa school system will suffer a great loss after his retirement. However, the mark he has made on Tuscaloosa's schools will remain his legacy forever.•

WELFARE REFORM

• Mr. CRAIG. Mr. President, I want to add my voice to the calls for welfare reform. There are numerous problems in the system, one of which is outlined in a letter I received recently from the Governor of Idaho, Cecil Andrus, to Secretary of Health and Human Services, Donna Shalala.

In Idaho, June Reid recently experienced the absurdity of our welfare system to the tune of $3,341. June is a hard-working single mother struggling to make ends meet, while providing her children with a loving home. Mr. President, she does this on her own—without Government help and without child support. June was being forced to pay $3,341 in public assistance money her ex-husband had accepted to support one of their children. The State was being forced to collect this money because Reid would not go on welfare herself. Mr. President, let this be clear, had she accepted public assistance, the State would not have had to recover the money.

This is a perfect example of how the one-size-fits-all approach of the Federal Government just does not work. We need welfare reform and we need it now.

This situation was luckily resolved by the decisive action of the Governor of Idaho, Cecil Andrus. I applaud Governor Andrus for his commonsense approach to this problem created by the absurdity of Federal regulations. While I commend the Governor, I must also commend June Reid for her strength and values.

As the issue of welfare reform evolves, I hope that my colleagues in the Senate will look at this situation and prevent the creation of a web of regulations. One solution will soon be introduced by my colleague, Senator KASSEBAUM. The proposal would simply relieve States of their portion of Medicaid funding. In return, States would have responsibility for the basic welfare program, Aid to Families With Dependent Children. The savings States would experience from Medicaid would be spent on AFDC without Federal strings, regulations, in a manner they feel is in the best interest of the citizens of that State. There would no longer be a one-size-fits-all program that does not fit anyone, and certainly not rural States like Idaho.

Mr. President, I hope that my colleagues will review this situation carefully, and see the common sense and logic behind the proposal soon to be presented by Senator KASSEBAUM.

I ask that the letter and news article attached be inserted into the CONGRESSIONAL RECORD following my statement.

The material follows:

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Boise, ID, January 28, 1994.

Hon. DONNA SHALALA,
Secretary of the Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR MADAM SECRETARY: I write to bring to your attention a federal regulation which absurdly and relentlessly works against the working poor who are struggling to keep themselves and their families independent of public assistance.

A situation was recently brought to my attention regarding Ms. June Reid, a single mother who lives in Post Falls, Idaho, with her two children. Ms. Reid's income is $720 per month (she has been unsuccessful in her attempts to obtain child support), she does not receive public assistance, and she arranges her work so that she is home with her children when they are not in school.

Several years ago, Ms. Reid's daughter lived for 15 months with Ms. Reid's ex-husband. During that time, her ex-husband—unbeknownst to Ms. Reid—applied for and received public assistance for their daughter. When their daughter returned to live with Ms. Reid, the state of Idaho, acting in accordance with federal regulation, requested repayment from Ms. Reid for the public assistance provided to her daughter while her daughter was in the care of her ex-husband.

Now, it is obvious that Ms. Reid's income makes repayment of the resulting $3,341 debt

virtually impossible. Equally undeniable is Ms. Reid's determination to support herself and her children without public assistance.

These realities collided when the state of Idaho, while following federal regulation, stood in the ridiculous position of intercepting Ms. Reid's tax refunds and forcing her through years of court battles, asking her to repay a debt she financially could not repay, when the state would have forgiven the debt if Ms. Reid would have accepted public assistance (for which she is eligible).

Lawyers will tell us the state is on solid ground in pursuing repayment from Ms. Reid. Morally, we could not be more wrong.

I agree with you and the President that we must make self-sufficiency more appealing than public assistance. To this end, I submit the following recommended change:

42 U.S.C. §654 State plan for child and spousal support:

"(4) provide that such State will undertake—

"(B) in the case of any child with respect to whom such assignment is effective, including an assignment with respect to a child on whose behalf of State agency is making foster care maintenance payments under part E of this subchapter, to secure support for such child from his parent (or from any other person legally liable for such support), and from such parent for his spouse (or former spouse) receiving aid to families with dependent children or medical assistance under a State plan approved under subchapter XIX of this chapter (but only if a support obligation has been established with respect to such spouse, obligation has been established with respect to the child is being enforced under the plan), utilizing any reciprocal arrangements adopted with other States (unless the agency administering the plan of the State under part A or E of this subchapter determines in accordance with the standards prescribed by the Secretary pursuant to section 602(a)(26)(B) of this title that it is against the best interests of the child to do so), except that when such arrangements and other means have proven ineffective, the State may utilize the Federal courts to obtain or enforce court orders for support, *provided, however*, that the State shall not undertake to secure support for such child, spouse, or former spouse from a person who would be or is eligible for or is receiving aid to families with dependent children benefits under Title A of the Social Security Act (42 U.S.C. §601 et seq.) for the period during which such person would be or is eligible or is receiving such benefits and to secure support from such person would not be in the fiscal interest of the state or would not be in the best interest of the child(ren) for whom such person owes support;".

Certainly, this is but one way to redress the bureaucratic red tape that keeps well-meaning individuals and families stuck in a system of welfare dependence. It is a constructive step toward welfare reform in general, and one which provides a corrective measure toward this specific example.

In the meantime, I have returned to Ms. Reid the tax refund money intercepted by the state, and I have ordered the Idaho Department of Health cease in its attempts to collect the remainder of the original debt.

With best regards.

Sincerely,

CECIL D. ANDRUS,
Governor.

WOMAN WINS IN WELFARE FIASCO

(By Cynthia Taggart)

COEUR D'ALENE.—On Gov. Cecil Andrus' order Thursday, the state stopped hounding a Post Falls woman to repay $3,341 in public assistance money her ex-husband had accepted to support their daughter.

The governor also ordered the state Department of Health and Welfare to repay June Reid $1,735 it had applied to the debt last year when it withheld her state and federal income tax refunds.

"I'm speechless, I'm amazed," Reid said Thursday after her attorney, Norm Gissel, told her the governor's office had called him with the news. "This made it all worth it. It's not just getting the money back. That's a bonus. It's getting attention to that law that's great."

The law required Reid to repay the money because she never went on welfare herself. Had she also accepted public assistance, she wouldn't have had to pay.

After Andrus read news accounts of Reid's battle with the state agency, he began asking questions, said Scott Peyron, the governor's spokesman.

"When he was satisfied he knew the facts, he insisted that the department make it right," Peyron said. "The Department of Health and Welfare is beginning to work now on legislation that can be a state-level remedy."

The state sued Reid to recover public assistance money her former husband had accepted while he cared for their daughter. Although eligible, Reid never had applied for public assistance, maintaining that she wanted to protect her family from the welfare stigma.

The child lived with her father for a year and a half before returning to Reid for three years. Reid also supports her son.

Under state law, people who take public assistance to support their minor children do not repay the money. Because Reid was not on public assistance but was the child's mother, the state expected her to repay the money her ex-husband accepted to care for the girl.

When she argued that she had no money and another child to support, Reid was told the only way to stop the growing debt was to join the public assistance program.

Gissel fought the case for Reid in court, but lost three times. Each time, judges agreed Health and Welfare was following State law. Gissel finally decided the law needs to be changed.

On Thursday, Andrus agreed and said the law also needs changing on the federal level. The state stands to lose public assistance money if it doesn't follow the federal requirement to seek repayment whenever possible.

"Nonsense comes in many forms, and this is the latest example of it from the federal government," the governor said in a written statement. "I salute June Reid for her determination to remain at work and not accept public assistance even in the face of this trying and unfair situation."

Andrus promised to introduce legislation at the National Governors Association meeting next week to urge Congress to change a law that requires "states to beat down the doors of people like Ms. Reid who are trying hard to do the right thing.●

ORDERS FOR WEDNESDAY, FEBRUARY 9, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, February 9; that following the prayer, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day.

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

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102–380, on behalf of the majority leader, and with the concurrence of the Speaker of the House of Representatives, appoints Paul O. Reimer, of California, as a member of the Defense Environmental Response Task Force.

RECESS UNTIL WEDNESDAY, FEBRUARY 9, 1994 AT 10 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:50 p.m., recessed until Wednesday, February 9, 1994, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1994:

DEPARTMENT OF STATE

M. LARRY LAWRENCE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

K. TERRY DORNBUSH, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

THOMAS L. SIEBERT, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

SIDNEY WILLIAMS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

DEPARTMENT OF LABOR

J. DAVITT MCATEER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JAMES A. JOSEPH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS.

SHIRLEY SACHI SAGAWA, OF VIRGINIA, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 1999.

ACTION AGENCY

JAMES A. SCHEIBEL, OF MINNESOTA, TO BE DIRECTOR OF THE ACTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING FRANK ALMAGUER, AND ENDING JAMES R. DEMPSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 5, 1993.

HOUSE OF REPRESENTATIVES—*Tuesday, February 8, 1994*

The House met at 2 p.m.

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

Gracious God, from Whom comes every good gift, be with all people who seek to understand their lives, their hopes, and their faith. May the vision that You have given—of a world where the nations live in harmony, where peoples of all backgrounds understand and respect each other, where peace and trust permeate our relations—may this world be our vision and may we dedicate ourselves and our abilities to work to that end. In Your name, we pray. Amen.

THE JOURNAL

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

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

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Pursuant to the provisions of clause 1, rule I, the Chair will postpone the vote until later in the day.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1789. An act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

APPOINTMENT AS ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCE ON TRADE

The SPEAKER. Pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211) and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 103d Congress: Mr. ROSTENKOWSKI of Illinois; Mr. GIBBONS of Florida; Mr. MATSUI of California; Mr. ARCHER of Texas; and Mr. CRANE of Illinois.

IT'S TIME FOR ACTION IN BOSNIA

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

Mr. BONIOR. Mr. Speaker, how many innocent people have to die in Bosnia before the world does something about it?

How many innocent children have to be slaughtered before we respond?

Are 200,000 dead Bosnians enough? Are 16,000 slaughtered children enough?

That's how many have died in less than 2 years.

The body count from Saturday's savage assault in Sarajevo stands at 68 and counting.

Bodies were so mangled that one morgue had to spread arms, legs, and feet out on the floor to piece people together.

How can we let this happen?

How can civilized nations sit silent and watch this happen?

Ethnic cleansing is genocide.

And we cannot be silent partners to genocide any longer.

We have waited too long for action.

Too long to lift the arms embargo on Bosnia.

We must use allied air strikes to defend Bosnia now.

Of course there are risks to taking action.

But how many more will die if we do not act?

There can be no more excuses.

If NATO can't respond to this, then what is NATO worth?

And if we cannot respond to this, then the blood of Bosnia isn't just on the hands of the Serbs.

It's on all of us.

BIPARTISAN EFFORT NEEDED ON HEALTH CARE

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

Mr. GINGRICH. Mr. Speaker, 7 minutes ago the Congressional Budget Office's analysis of the Clinton health plan was made available, and it is a very revealing document. Remember that the President came here in his very first speech last year and praised the Congressional Budget Office for its accuracy. What it says is that the health plan is a Government activity, that the money paid for the health insurance under the Government plan should count as Government receipts, and that it is substantially underscored and would add at least $133 billion to the deficit over the next 5 or 6 years.

Mr. Speaker, what this Congressional Budget Office document says is that the Clinton plan is a big Government, big bureaucracy, big tax plan, that will lead to a bigger deficit. I think it indicates why those of us in the House who want to pass a common sense bill should work together at a practical level and put together a bipartisan bill, but recognize that with this analysis, the Clinton plan is indeed dead on arrival and it is time now to turn to a bipartisan effort to write a health bill.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to say to all our guests in the gallery that we appreciate their attendance here and we value the opportunity they have to observe the House, but the rules of the House prohibit any demonstration by applause or any other form of approval or disapproval. We ask our guests, please, to comply with this rule.

TRIBUTE TO RABBI ROBERT SCHUR

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

Mr. FROST. Mr. Speaker, 37 years ago, when I was 15 years old, I received

a phone call that changed my life. Rabbi Robert Schur, spiritual leader of Temple Beth-El in Fort Worth, TX, called and persuaded me to attend a conclave sponsored by the youth movement of reform Judaism.

I attended that conclave in August of 1957 and two things occurred. I was elected to my first office of any kind as a regional officer of the Texas Federation of Temple Youth, an event that whetted my appetite for politics. Second, I started down a path of spiritual exploration that provided me many of the values relating to social justice and civil rights that I brought to my current job as a Member of Congress.

Last Thursday, Rabbi Schur died in Fort Worth after a lengthy battle with Alzheimer's disease. He is mourned not just by the Fort Worth Jewish community which he served in an active capacity continuously from 1957 to 1984 but by the civic and religious structure of the entire city. People from all faiths and walks of life attended his funeral last Sunday in the Temple Beth-El sanctuary.

Bob Schur was remembered as a community leader who stood with Martin Luther King, Jr. for civil rights in Ft. Worth at a time when members of his own congregation would have preferred silence.

I was a member of his first confirmation class and he performed the wedding ceremony for my wife Valerie and me. He was a friend and an inspiration. He changed my life. He will be deeply missed by all who knew him.

DEALING WITH THE HEALTH CARE PLAN

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

Mr. THOMAS of Wyoming. Mr. Speaker, despite recent setbacks the President has forged ahead with impassioned promotional speeches in support of his Government-run health care proposal. But the truth is this bureaucratic nightmare is long on promises and short on realistic solutions.

We cannot afford to do nothing. It is time to consider other plans and to take a different approach. Alternatives that offer real reform without new taxes and without 325,000 new health care bureaucrats.

It is time to stop talking about global budgets, job-killing payroll taxes along with untried radical reform and begin implementing reasonable changes that will assure portability so individuals can be secure with changing jobs, eliminate restrictions on preexisting conditions, and institute real cost containment so health care can be affordable.

There are a number of alternatives, Mr. Speaker. We can preserve individual choice and world-class quality while dealing with the root cause of the problem. The plans and process to do that are out there today. Better yet, they can be passed this year.

WHAT IS NOT IN THE PRESIDENT'S BUDGET

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

Mr. TRAFICANT. Mr. Speaker, everybody is talking about what is in the President's budget. I am more concerned about what is out and not in the President's budget: namely, $1.4 trillion in new health care spending, which will be treated off-budget.

What is next, Members? Will the national debt be taken off-budget? Think about it. Will the deficits be considered off-budget? Will they really go away?

Let me say this: any health care spending plan today that is left out of the budget will be health care spending out of control tomorrow.

We cannot fool the American people. The American people are going to foot the entire bill for health care, and we need it. Let us tell them the whole truth.

THE TED WILLIAMS RETROSPECTIVE MUSEUM AND LIBRARY

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

Mr. STEARNS. Mr. Speaker, I rise today to recognize the dedication of the Ted Williams Retrospective Museum and Library in Citrus Springs, FL.

It is my privilege to stand before the House to congratulate my long-time friend and constituent, Ted Williams, on this, his latest in a long list of achievements. Ted, always a consummate baseball player, began to attain climacteric accomplishments early in his career. In fact, he still holds the record for the highest batting average for a season, a feat he accomplished in 1941 when he hit 406. And in 1942, Ted hit the first of his two triple crowns—a feat that no other player has since repeated.

But, Ted is more than just a baseball player. He is also a patriotic American. He left the game of baseball in 1943 to serve his country in World War II as a Marine Corp fighter pilot. He returned to baseball in 1946, a year in which he won the MVP award.

It seems as if Ted Williams has done it all. He rates as one of the greatest baseball players in the history of the game. He is a patriot, a star, and an upstanding member of our community. He is an American legend, a hero to many of us. Thus, it should come as no surprise to note that he is the first living athlete to have a museum built for him. No one deserves it more.

FISCAL YEAR 1995 BUDGET

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

Ms. HARMAN. Mr. Speaker, the fiscal year 1995 budget that President Clinton sent to the Congress yesterday reflects the tough fiscal choices that the Congress made last year. The President has slated over 100 programs for complete elimination, and I think the Congress has an obligation to match or exceed that level of budget discipline.

I was particularly pleased to see the revenue increase and spending reductions credited to the deficit reduction trust fund. As one of the coauthors of the trust fund during the budget deliberations last summer, I viewed it as vital to ensuring that budget savings went to deficit reduction—not new spending.

The fiscal year 1995 budget shows what this means: The deficit was reduced by $46.7 billion in fiscal year 1994 and will go down another $82.7 billion in fiscal year 1995. There will be a cumulative total of $504.8 billion in deficit reduction by fiscal year 1998.

My constituents have demanded real spending cuts and deficit reduction, and it is finally happening.

IN APPRECIATION OF THE CBO

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

Mr. GOODLATTE. Mr. Speaker, as we speak—the Congressional Budget Office is testifying before the Ways and Means Committee that the President's health care proposal should be included in his budget. That is a conclusion many of us reached months ago.

The CBO states that the financial transactions of the health alliances should be included in the Federal Government's accounts, and the premium payments should be shown as Governmental receipts.

Why did the President leave health care out of his budget? Because they increase his budget by 25 percent and amount to the largest tax hike in history.

The President's program is financed by huge premium payments—a.k.a. taxes—placed on the shoulders of each and every employer in this Nation. That is more of the same old tired Government taxing and spending—and needs to be included in the budget.

So today as administration officials scurry across Capitol Hill lobbying for favorable treatment of their budget, the real truth is coming out before the Ways and Means Committee—thank you CBO.

A CALL FOR CORRECT LABELING OF MILK

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

Mr. SANDERS. Mr. Speaker, on February 4, BST, a bovine growth hormone produced by the Monsanto chemical company through genetic engineering, was allowed on the market by the FDA. On that very same day some of the largest dairy retailers and grocery store chains in America, including Ben and Jerry's in Vermont, announced that they would not handle or sell milk or dairy products which came from cows which had been injected with BST.

Mr. Speaker, poll after poll has shown that the American people did not want their milk supply to be treated with BST. And furthermore, they want to know exactly what they are buying in the grocery store. In Vermont, a recent poll showed that 94 percent of the people said that "products containing milk from hormone-treated cows should be labeled."

Mr. Speaker, I am deeply concerned about the FDA's interim guidance statement on labeling. Once again in this process, the wording they recommend protects the interests of Monsanto and not consumers or dairy farmers. The people want to know the answer to one simple question when they read the label: Was this milk produced with a genetically engineering growth hormone, or was it not? They don't want to read more FDA propaganda for Monsanto.

Mr. Speaker, the FDA must allow dairy processors to label milk simply and clearly, and let the consumer decide.

□ 1420

SIGNIFICANT REGRESSION IN CHINA'S HUMAN RIGHTS

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

Mr. SMITH of New Jersey. Mr. Speaker, the judgment call on conferring MFN on China for another year hinges on significant progress in human rights.

It is becoming increasingly clear that in category after category the Chinese Government is not only not making progress, but is actually getting worse—bringing further shame and dishonor to the Government.

An accurate portrayal of religious freedom and human rights protections in population control in China today would be significant regression.

Effective this past Sunday, for example, are two new Draconian decrees cracking down on religious expression in China.

Order No. 145, for example, bans underground house churches which number in the several thousand. The right to assemble, pray, and worship God—even in your own home—carries severe punishments. The big crackdown has begun. Moreover, foreigners are strictly prohibited from making contact with believers and catchall policy statements such as "No one may use places of worship for activities to destroy national unity, ethnic unity and social stability, to damage public health or undermine the national education system," criminalize just about anything that a believer says or does. These cruel policies are likely to lead to thousands of new arrests, tortures, and mistreatment.

Mr. Speaker, in like manner, the Chinese Government continues to aggressively victimize women who bear children outside of the Government's repressive one child per couple policy. Forced abortion, forced sterilization, and discrimination against the handicapped via cruel eugenics policies are also on the rise.

In a sworn affidavit dated October 29, 1993, Dr. John Aird, former Chief of the China Branch at the U.S. Census Bureau, stated that "coercion in the Chinese family planning program has in the past 2 years reached its second extreme peak, approaching or perhaps exceeding the level of 1983."

China is not making progress in these and other areas, Mr. Speaker, but sadly—is making significant regression in observance of internationally recognized human rights.

TRAINING PROGRAMS SHOULD REMAIN IN REGIONS HARD HIT BY UNEMPLOYMENT

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

Mr. OWENS. Mr. Speaker, in the current budget there is a recommendation to eliminate certain programs for the training of the unemployed. Programs which offer training for only 6 months have finally been declared unworkable by the Secretary of Labor.

For many years we have been saying to the Secretary of Labor and everybody else concerned that programs which offer only 6 months of training did not work. We wanted a minimum of 1 year for training programs. Now they have discovered it does not work, but instead of replacing the unworkable programs in communities like mine, where there is high unemployment, the unemployment rate is three times the national average for adults. Instead of replacing the unworkable programs with programs that do work by offering 1-year training, they are moving the programs out and taking them to places where defense workers are being laid off.

Mr. Speaker, I am all in favor of training and retraining workers who have been laid off in defense plants, but do not take the money away from the high unemployment area.

There are programs in the allied health professions which guarantee a job after completing them, if you do it for 1 year or 2 years. These programs already exist in Downstate Medical Center, located in my district. We can guarantee a job to every person who goes through a 1-year training for certain jobs and 2-years training for other jobs. Unemployment in my district can be resolved to some degree by just funding the program in the area, in this program that already exists.

Mr. Speaker, it will be unjust and unproductive to move funds out of poor areas to provide for training in defense conversion. We can take the money out of the defense budget, provide more money for training for everybody, and not rob Peter to pay Paul.

DISASTER RELIEF OFFSETS DON'T OFFSET

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

Mr. SOLOMON. Mr. Speaker, Pro Tempore Barnum once said, "There's a sucker born every minute." Well, last Thursday could have filled a couple of his circus tents with suckers.

This entire House was suckered into believing that it was partially offsetting the disaster relief bill with some $2½ billion in rescissions by adopting the Fazio amendment. But, in point of fact, it was not. It simply freed-up another $2½ billion for additional spending under the fiscal 1994 discretionary spending cap.

How could this happen when Mr. FAZIO assured the Rules Committee, and this House, that he was partially offsetting the disaster relief expenditures? I would like to think it was a simple drafting error. But nowhere in his amendment is there one word about offsets. And, by remaining silent, the amendment will be scored as freeing up the 2½ plus billion dollars for new spending.

Mr. Speaker, I hope this technical drafting error will be corrected in the other body—or in conference. But, just in case it is not, I am today introducing a concurrent resolution directing the Clerk to correct the enrollment of H.R. 3759 to ensure that the offset is truly counted as an offset.

PROMISES, PROMISES

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

Mr. GOSS. Mr. Speaker, Americans want more health security—but they are not willing to trade their freedom

to get it. The President's promise of "health care that can never be taken away" looks warm and fuzzy—so does a porcupine. Ask the thousands of veterans in my district who—while promised health care for life after serving their country—now must drive 150 miles for the nearest VA hospital if space is available.

The only outpatient clinic available to 150,000 of them was designed for 40,000 cases a year. It is now overwhelmed with requirements for 60,000 cases a year.

Ask the millions of Americans on Medicare and Medicaid who are beneficiaries, who cannot find a participating physician to serve them. Let us face it, Government-run health care systems have a poor track record, and they are driving the American taxpayer into the poorhouse.

Most people are not fooled by impossible promises and plastic gimmicks. As the debate heats up, most Americans will not be bullied by the bully pulpit. After all, polls show more people are happy with their health care then they are with the Clinton administration. Of course, both could be improved, and there are choices, because this is America.

STOP HAITI SANCTIONS

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

Mr. MICA. Mr. Speaker, this past weekend, nationalist zealots murdered 68 innocent civilians in Bosnia. The world and many in this Congress expressed outrage.

Tragically, the sanctions imposed on Haiti by this administration are killing innocent Haitian babies. In the 2 days during that same weekend in Bosnia, more than 70 infants died in Haiti, and no one spoke out.

In fact, more than 1,000 Haitian infants now die each month because of the United States' economic sanctions imposed on Haiti. And no one seems to care.

What seems even worse, this week the United States will ask the United Nations to impose even tougher economic sanctions on Haiti.

Despite evidence that the ruling military thugs and criminals are unaffected by these sanctions, we plan to step up our baby-killing policy.

How much more suffering can we impose on the oppressed Haitian people? Haiti is becoming an even greater hell on earth than Bosnia, under our charge and in our backyard.

This week we may not be able to stop the killing in Bosnia, but we can end the infant deaths in Haiti.

I urge my colleagues to join me in sending a letter to President Clinton urging him to end United States sanctions, restore democracy in Haiti, and demand United Nations action now to end this disgrace in the Western Hemisphere.

CUBA EMBRACING CAPITALISM WHILE AMERICA MOVES TOWARD BIGGER GOVERNMENT

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

Mr. DUNCAN. Mr. Speaker, on February 3, the New York Times ran a headline that said: "On the Street, Cubans Fondly Embrace Capitalism."

The story said life in Cuba is being transformed by a "frantic search for dollars."

The story went on to say this:

> Although Cuba's Communist leadership has often sought to rein in the changes, repeatedly reminding the people that it has not chosen capitalism as a solution to the country's grave economic problems, almost everywhere one looks these days private enterprise is filling voids left by an exhausted government.

Just 5 months ago, the Cuban government allowed people to begin setting up new small businesses.

The Times reported that the response was "so enthusiastic that it caused serious absentee problems in state jobs and clogged downtown streets with petty merchants."

Amazing. Cuba is beginning to embrace capitalism while we in the United States head away from it toward more and more government.

For those who believe that government can solve all of our problems, I say look at Cuba.

Why can we not see that big government only makes our problems worse. When will we realize that the Federal Government has directly or indirectly, brought about most of the very problems that we are now trying so desperately to correct.

HEALTH CARE: THE CURRENT CRISIS VERSUS THE CLINTON CRISIS

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

Mr. SMITH of Texas. Mr. Speaker, the Democrats would like to debate the health care issue on whether or not there is a crisis.

The only problem is, that is not what the debate is about.

The Republican plan retains the quality and choice of the health care Americans have now and takes out the Government bureaucracy that drives up the cost.

But the Democrats will not let a Republican plan be debated, so the debate before America is the Clinton plan.

And if you think there is a health care crisis now, wait until Uncle Sam clips into a surgical smock. I say, You ain't seen nothing yet. If you think there is a crisis now, wait until you have waited in line for your health care. If you think there is a crisis now, wait until you try to change the choice the Government gives you. If you think there is a crisis now, wait until you see where the people who can't balance the Federal budget try to balance the health care budget. If you think there is a crisis in health care, then compare it to the coming Clinton crisis, and, believe me, you ain't seen nothing yet.

PRESIDENT'S BUDGET PROPOSAL FOR DEFENSE

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

Mr. BARTLETT of Maryland. Mr. Speaker, today I rise to express concern about the President's budget proposals for defense. For example, in the Clinton defense budget, spending is slightly increased. This gives a thinly veiled appearance of increased defense spending, but in reality our military readiness and force structure is gutted because the actual dollar outlays are substantially cut.

This is not only unwise but is potentially dangerous. Although the cold war has been won, the world today is not less dangerous. From North Korea to Iraq to the Balkans there are threats to world security and our vital national interests. The future of reforms in Russia is uncertain, and a nationalistic relapse would threaten the security of an area which includes the second, third, and fourth largest nuclear powers in the world.

In spite of the potential for the need of a strong and prepared military, this President responds by cutting the U.S. defense budget in order to increase domestic and social spending. Mr. Speaker, we must maintain an adequate military, and this budget does not accomplish this.

UNWISE PROGRAM ELIMINATIONS IN PRESIDENT'S BUDGET

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

Mr. SCHIFF. Mr. Speaker, when the President released his budget yesterday to the Congress and to the American people, the administration touted the fact that there was a proposal to eliminate approximately 100 programs that the administration felt were no longer necessary, totaling approximately 3¼ billion dollars' worth of spending.

One of these programs was a program of the Department of Justice, and even though this was only one program, the spending on this one program at $358

million a year makes up more than 10 percent of this entire cut. Now what was this program that the administration proposes to eliminate from the Department of Justice? This is the main program that provides grants to aid State and local law enforcement agencies for the arrest and prosecution of dangerous criminals.

Mr. Speaker, only a week or so before this in this Chamber, the President of the United States said that fighting crime was a major objective of his administration this year, and that included helping State and local law enforcement agencies, because as we all know, it is they who bear the great brunt of this fight.

It seems to me that this proposal in the budget release yesterday to eliminate the main grant and aid program to State and local law enforcement agencies contradicts the stated goal of the administration to help fight crime.

Mr. Speaker, I am drafting a letter to the President of the United States to urge him to reconsider this proposed termination of a program that is so vital to accomplishing the goals of this administration, and I urge all Members to join me in signing it.

CONGRESS SHOULD CLEAN UP ITS OWN HOUSE

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

Mr. ISTOOK. Mr. Speaker, this body will investigate anyone but ourselves when it comes to scandals and impropriety.

Got suspicious activity in foreign banks? We will have hearings. Something up with Iran-Contra? We will have hearings. Got a Senator accused of sexual harassment? They will have hearings.

But when Members of this House are implicated for embezzling through the House Post Office? We will defer to the Justice Department. Maybe they will bury it for us.

It is a national embarrassment.

A sworn confession from the former House Postmaster, Robert Rota, says he helped several Members of this body to embezzle taxpayer money from the House Post Office. He pleaded guilty to being a conspirator with Congressmen.

That is far stronger evidence than is usually used to spark a congressional investigation. But no investigation this time, because it hits too close to home.

It is past time to face this issue. The House Ethics Committee must get to the bottom of this.

Millions of Americans are disgusted with Congress, and this is a big reason why. We must clean up our own house.

SOCIAL SECURITY PAYMENTS TO DRUG ADDICTS

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

Mr. ROTH. Mr. Speaker, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] who is currently in the chair, for all he is doing for the American veteran.

Mr. Speaker, last year more than a quarter of a million drug addicts in America received $1.5 billion in cash payments from the Social Security fund.

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Much of this money was for addiction treatment, but instead, these cash payments went to satisfy the addicts' drug habits.

Hundreds of millions of dollars taken from senior citizens are flowing directly to addicts who are buying heroin, cocaine, and other drugs on the street. These addicts are taking the Social Security System and the American taxpayer for a ride.

I am asking you here in Congress to help me right this wrong. It is time to stop this waste, fraud, and abuse in our Social Security System.

In my opinion, Social Security should be used for Social Security purposes only. We cannot allow cash to be taken from the Social Security System and given directly to addicts. Our senior citizens and the American people, plus just plain common sense, demands that we take and make this change.

As the chairman of the Social Security task force, I ask all the Members of Congress to join me in that endeavor.

HEALTH CARE: CAPITALISM VERSUS SOCIALISM

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

Mr. CALVERT. Mr. Speaker, Winston Churchill once observed that "the inherent vice of capitalism is the unequal sharing of blessings * * * while the inherent virtue of socialism is the equal sharing of miseries." As Congress begins in earnest to consider proposals for health care reform, we would do well to remember Mr. Churchill's words.

During this debate, let us not forget that our country is blessed with the finest health care system in the world.

And in our quest to make the blessings of high quality health care available to more Americans, let us be careful not to lower the quality of health care for all Americans.

GENOCIDE IN BOSNIA

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

Mr. OLVER. Mr. Speaker, for 2 years now the genocide in Bosnia has continued. The whole world has watched dumbstruck as CNN, Headline News, ABC, CBS, and NBC have brought the bloody pictures to us of more than 200,000 people who have been slaughtered by Serbian Socialists simply because of their religion; more than 2 million refugees because of their religion who have now been scattered all over Europe; hospitals in Sarajevo bursting with civilians bombarded in food lines and water lines; extended families from babes in arms to 80-year-olds lined up and slaughtered because of their religion; children slaughtered in Sarajevo playing soccer.

Mr. Speaker, the appeasement of Belgrade by the United Nations, the European Community, and NATO has failed. It has utterly failed.

There is no need to urgently investigate who the bombardiers are. Mr. Perry, Mr. Lake, Mr. Shalikashvili know, everyone in the United Nations, the EC, and NATO knows every incident of deliberate bombardment of Sarajevo civilians has been Serbian bombardment.

There is no honor whatsoever in treating the aggressors and the victims as if they were identical. The killing in Bosnia will end when the Serbs realize they will not be allowed to continue it.

Mr. President, it is time to do what is right; stop the genocide in Bosnia.

WAR OF THE WORDS

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

Mr. HORN. Mr. Speaker, I ask my colleagues to think back to a broadcast which alarmed millions about a crisis that affected the entire Nation's security. Many believed it and were pushed to panic.

If my colleagues think I am talking about Orson Welles' famous radio broadcast, "War of the Worlds"—where America was being destroyed by an alien invasion, then they are right.

If my colleagues thought I was talking about any of President Clinton's speeches on health care, where America's health care system can only be saved by being destroyed, then they are right again.

On one hand we have Orson Welles and on the other we have something Orwellian, not Wellesian. On one hand we have the "War of the Worlds" and on the other we have the "War of the Words."

Unlike Orson Welles, who only gave his performance once, President Clinton has given his over and over to the American people.

In the Clinton administration, words mean whatever they want them to

mean and they do whatever they want to be done. In the case of health care they want more big government, more big spending, and more of your money.

For a year they did nothing about health care, nothing about crime, nothing about campaign reform, and nothing about welfare.

But not for a second have they ceased to talk about them. Stay tuned tomorrow, America—for another episode of rhetoric without reform.

INTRODUCTION OF LEGISLATION PROHIBITING FEMALE GENITAL MUTILATION

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

Mrs. SCHROEDER. Mr. Speaker, I have a bill in that would make it illegal to deal in female genital mutilation in this country.

I know many people think that this is not an issue. But in today's newspaper, once again, we see it as an issue in a woman who was about to be deported with her two young daughters.

It is very, very frightening: If they go back home, both of the children will be genitally mutilated. That had happened to her, and that is the culture, and that is what she will be returning to. This appears to be some kind of a domestic dispute between herself and her husband.

He refused to file a paper, and thought this would be a nice way, I guess, that he could get her out of here.

But I think it tells the real horror of what has gone on in so many countries, and this country did not pay much attention to it. But this year, thank goodness, we did include that under human rights violations, and I hope we can pass the bill to make this illegal. I hope we can move to do everything we can in the world leadership community to put this awful barbaric practice to an end that kills so many young women every year needlessly.

THE MISSING PRIORITIES IN THE BUDGET

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

Mr. WALKER. Mr. Speaker, when the President outlines the priorities for the country, you would think that his administration might follow them in the budget, and yet that did not happen. When you look at the administration's budget, it somehow missed the President's call for health care reform. In fact, the President's budget does not cover the costs of his Health Care Reform Program.

With the President talking so much about welfare reform, you would think it would be reflected in the budget. The budget does not cover the President's Welfare Reform Program.

With the President endorsing the Crime Program now before the Senate, you would think his budget would have included money to carry out the Crime Program. It does not.

You would think that with the President talking so much about Government reorganization and the cutting of 252,000 employees, you would think that that would be reflected in the budget. It was not.

The President's budget does not match what the President has been saying. That will be a problem for us as we deal with these matters before the Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later today, following the Journal vote. The votes will not occur earlier than 4 p.m.

CONCURRING IN SENATE AMENDMENT TO H.R. 2339, TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994, WITH AN AMENDMENT

Mr. OWENS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 351) to take from the Speaker's table the bill (H.R. 2339) to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read as follows:

H. RES. 351

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Findings, purposes, and policy.
Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Progress criteria and reports.
Sec. 105. Administrative provisions.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 201. National classification system.
Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

Sec. 401. Individuals with Disabilities Education Act.
Sec. 402. Rehabilitation Act of 1973.
Sec. 403. Administrative requirements under the Head Start Act.
Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY.".

(b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is amended to read as follows:

"(a) FINDINGS.—The Congress finds as follows:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

"(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

"(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

"(A) to have greater control over their lives;

"(B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;

"(C) to interact to a greater extent with individuals who do not have disabilities; and

"(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

"(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employ-

ment, residential living, independent living, recreation, and other aspects of daily living.

"(5) Most States have technology-related assistance programs carried out under this Act. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

"(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

"(A) resources to pay for assistive technology devices and assistive technology services;

"(B) trained personnel to assist individuals with disabilities to use such devices and services;

"(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

"(D) aggressive outreach to underrepresented populations and rural populations;

"(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

"(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

"(G) capacity in such programs to provide the necessary technology-related assistance.

"(7) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

"(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

"(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.".

(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are as follows:

"(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

"(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

"(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

"(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iii) educators and related services personnel;

"(iv) technology experts (including engineers);

"(v) employers; and

"(vi) other appropriate individuals;

"(J) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

"(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

"(2) To identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

"(3) To enhance the ability of the Federal Government to provide States with—

"(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

"(B) funding for demonstration projects.".

(d) POLICY.—Section 2 (29 U.S.C. 2201) is amended by adding at the end the following:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

"(3) inclusion, integration, and full participation of such individuals;

"(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systems advocacy and community involvement.".

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2), (3), (7), (8), (10), (11), (13), and (14), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ADVOCACY SERVICES.—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services—

"(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services; and

"(B) provided through—

"(i) individual case management for individuals with disabilities;

"(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

"(iii) training of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully conduct advocacy for themselves; or

"(iv) dissemination of information.";

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking "family" and all that follows and inserting "the family members, guardians, advocates, or authorized representatives of such an individual; and";

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

"(4) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) addresses the needs of all individuals with disabilities, including members of underrepresented populations and members of rural populations;

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(5) CONSUMER-RESPONSIVE.—The term 'consumer-responsive' means, with respect to an entity, program, or activity, that the entity, program, or activity—

"(A) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

"(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

"(6) DISABILITY.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.";

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

"(7) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

"(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.";

(6) in paragraph (8) (as redesignated by paragraph (1))—

(A) by striking "section 435(b)" and inserting "section 1201(a)"; and

(B) by striking "1965" and inserting "1965 (20 U.S.C. 1141(a))";

(7) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(9) by inserting after such paragraph (11) the following:

"(12) SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—The term 'systems change and advocacy activities' means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force.";

(10) in paragraph (13) (as redesignated by paragraph (1))—

(A) by striking "functions performed and activities carried out under section 101" and inserting "assistance provided through systems change and advocacy activities"; and

(B) by inserting "any of subparagraphs (A) through (K) of" before "section 2(b)(1)"; and

(11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

"(14) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' includes a population such as minorities, the poor, and persons with limited-English proficiency.".

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systems change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) ACTIVITIES.—Section 101 (29 U.S.C. 2211) is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACTIVITIES.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

"(1) MODEL SYSTEMS AND ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology, including—

"(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices;

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; or

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

"(B) the demonstration of assistive technology devices, including—

"(i) the provision of a location or locations within the State where—

"(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(II) education, rehabilitation, health care, and other service providers;

"(III) individuals who work for Federal, State, or local government entities; and

"(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

"(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

"(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitaticn Act of 1973 (29 U.S.C. 794); and

"(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

"(2) INTERAGENCY COORDINATION.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

"(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(3) OUTREACH.—The State may carry out activities to encourage the creation or main-

tenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

"(4) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(III) educators and related services personnel;

"(IV) technology experts (including engineers);

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a public awareness program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) technology experts (including engineers);

"(IV) employers; and

"(V) other appropriate personnel; and

"(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(8) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(9) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) ACCESS.—Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1))), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25))).

"(C) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate;

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any

funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(D) LINKAGES.—The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

"(10) INTERSTATE ACTIVITIES.—

"(A) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(B) ELECTRONIC COMMUNICATION.—The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

"(11) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

"(A) the development, demonstration, and dissemination of assistive technology devices; and

"(B) the ongoing provision of information about new products to assist individuals with disabilities.

"(12) ADVOCACY SERVICES.—The State may provide advocacy services.

"(13) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

"(c) NONSUPPLANTATION.—In carrying out systems change and advocacy activities under this title, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law.".

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systems change and advocacy activities described in section 101(b) (including activities described in subsection (e)(7))"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3))—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3)) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this Act as the 'lead agency') responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

"(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor may designate—

"(A) a commission appointed by the Governor;

"(B) a public-private partnership or consortium;

"(C) a university-affiliated program;

"(D) a public agency;

"(E) a council established under Federal or State law; or

"(F) another appropriate office, agency, entity, or individual.

"(3) ABILITIES OF LEAD AGENCY.—The State shall provide, in accordance with subsection (e)(1), evidence that the lead agency has the ability—

"(A) to respond to assistive technology needs across disabilities and ages;

"(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

"(C) to promote and implement systems change and advocacy activities;

"(D) to promote and develop public-private partnerships;

"(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(F) to promote consumer confidence, responsiveness, and advocacy; and

"(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d)(1), and the evidence described in subsection (d)(3).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that provide for—

"(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

"(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement, in the designation of the lead agency under subsection (d), and in the development of the application, of—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) other appropriate individuals who are not employed by a State agency; and

"(III) organizations, providers, and interested parties, in the private sector; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraph (4), by striking "underserved groups" and inserting "underrepresented populations or rural populations";

(C) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(D) by striking paragraphs (6), (7), and (17);

(E) by redesignating paragraphs (8) and (9) as paragraphs (17) and (18), respectively, and transferring such paragraphs to the end of the subsection;

(F) by inserting after paragraph (5) the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systems change and advocacy activities that the State plans to carry out under the program; and

"(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2(b)(1).

"(7) PRIORITY ACTIVITIES.—

"(A) IN GENERAL.—An assurance that the State will use funds made available under this section or section 103 to accomplish the purposes described in section 2(b)(1) and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

"(iii) coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

"(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

"(v) the provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

"(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 104 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2(b)(1).

"(8) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year.

"(9) DATA COLLECTION.—A description of—

"(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) procedures that will be used to conduct evaluations of the program.";

(G) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(H) in paragraph (16)(A), by striking "the families or representatives of individuals with disabilities" and inserting "their family members, guardians, advocates, or authorized representatives"; and

(I) by adding at the end the following:

"(19) AUTHORITY TO USE FUNDS.—An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 103 to comply with the requirements of this section or section 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(20) PROTECTION AND ADVOCACY SERVICES.—Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order to make a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

"(21) TRAINING ACTIVITIES.—An assurance that the State—

"(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

"(B) will document such training.

"(22) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

"(23) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482);

"(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x-3); and

"(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

"(24) COORDINATION WITH OTHER SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

"(25) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

"(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) by the system described in subsection (e)(20); and

"(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive funding to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this title (other than the requirements of such subsection) as a system that receives funding under such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—A system that receives funds under subsection (e)(20) to carry out the protection and advocacy services described in subsection (e)(20)(A) in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

"(i) A description of the activities carried out by the system or entity with such funds.

"(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

"(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding

for assistive technology devices and assistive technology services.

"(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

"(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

"(IV) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

"(B) SUBMISSION.—The system or entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) UPDATES.—The system or entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(20)(B) to support the protection and advocacy services described in subsection (e)(20)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

"(4) CALCULATION OF EXPENDITURES.—

"(A) IN GENERAL.—For each fiscal year, for each State receiving a grant under this section or section 103, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

"(B) INITIAL YEARS OF GRANT.—Except as provided in subparagraph (C) or (D)—

"(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

"(ii) such minimum amount shall be not less than $40,000 and not more than $100,000.

"(C) FOURTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(D) FIFTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(E) PROHIBITION.—After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in subsection (e)(20) or an entity described in paragraph (1).".

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) EXTENSION GRANTS.—

"(1) INITIAL EXTENSION GRANT.—The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1).

"(2) SECOND EXTENSION GRANT.—The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2).

"(b) STANDARDS.—

"(1) INITIAL EXTENSION GRANT.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(3); and

"(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) SECOND EXTENSION GRANT.—

"(A) RESPONSIBILITIES OF DESIGNATED LEAD AGENCY.—In order for a State to receive a second extension grant under this section, the designated lead agency shall—

"(i) provide the evidence and make the demonstration described in paragraph (1);

"(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

"(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(B) DETERMINATION OF COMPLIANCE.—In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 105(a)(2)(A)(iii)) make such award contingent on a determination, based on the onsite visit required under section 105(a)(2)(A)(ii), that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 105(b)(2), in accordance with the applicable procedures described in section 105.

"(c) AMOUNTS OF GRANTS.—

"(1) INITIAL EXTENSION GRANTS.—

"(A) IN GENERAL.—

"(i) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not less than $500,000 and not greater than $1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1).

"(ii) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not greater than $150,000 to any of the following States that receives an initial extension grant under subsection (a)(1):

"(I) The United States Virgin Islands.

"(II) Guam.

"(III) American Samoa.

"(IV) The Commonwealth of the Northern Mariana Islands.

"(V) The Republic of Palau (until the Compact of Free Association takes effect).

"(B) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

"(i) amounts available for making grants pursuant to subsection (a)(1);

"(ii) the population of the State;

"(iii) the types of assistance to be provided in the State; and

"(iv) the amount of resources committed by the State and available to the State from other sources.

"(C) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

"(D) INCREASES.—In providing any increases in initial extension grants under subsection (a)(1) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

"(i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and

"(ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

"(2) SECOND EXTENSION GRANTS.—

"(A) AMOUNTS AND PRIORITY.—The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) shall be determined by the Secretary, except that—

"(i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

"(ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

"(iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this title.

"(B) INCREASES.—In providing any increases in second extension grants under subsection (a)(2) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

"(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

"(A) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

"(B) PROBLEMS.—A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) STRATEGIES.—A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

"(D) OUTREACH ACTIVITIES.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

"(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of—

"(A) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 1012(e)(7)) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

"(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) PUBLIC INVOLVEMENT.—

"(A) REPORT.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) OTHER STATE ACTIONS.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 102(e)(7)) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(3).

"(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(B) public service providers and private service providers;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State, or any recipient of funds made available to the State under section 102 or this section, will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) PUBLIC HEARING.—

"(1) INITIAL EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) SECOND EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).".

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).

"(b) REPORTS.—Each State that receives a grant under section 102 or 103 to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(e), and that documents the following:

"(1) The progress the State has made, as determined in the State's annual assessment described in section 102(e)(8) (consistent with the guidelines established by the Secretary under subsection (a)), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 102(e)(6), and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

"(2) The systems change and advocacy activities carried out by the State including—

"(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

"(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

"(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

"(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

"(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

"(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

"(7) Efforts to train personnel as well as consumers.

"(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

"(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 102(f)(2)(A)(ii).".

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", consistent with the guidelines established under section 104(a)";

(2) by striking paragraph (2) and inserting the following:

"(2) ONSITE VISITS.—

"(A) VISITS.—

"(i) DEVELOPMENT GRANT PROGRAM.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

"(ii) EXTENSION GRANT PROGRAM.—Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension

grant under section 103(a)(2) and whose initial onsite visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

"(iii) DETERMINATION.—The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) TEAM.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be lead agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

"(C) COMPENSATION.—

"(i) OFFICERS OR EMPLOYEES.—Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) OTHER MEMBERS.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) REPORT.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2).";

(5) in paragraph (4) (as redesignated in paragraph (3)) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29 U.S.C. 2215(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PENALTIES" and inserting "CORRECTIVE ACTIONS";

(B) in the matter preceding subparagraph (A), by striking "penalties" and inserting "corrective actions";

(C) by striking "or" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(E) by adding at the end the following:

"(D) required redesignation of the lead agency, in accordance with subsection (c).";

and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) REDESIGNATION.—Section 105 (29 U.S.C. 2215) is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following:

"(c) REDESIGNATION OF LEAD AGENCY.—

"(1) MONITORING PANEL.—

"(A) APPOINTMENT.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

"(i) The head of the lead agency designated by the Governor.

"(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

"(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

"(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

"(II) employees of the State lead agency.

"(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

"(B) MEMBERSHIP AND CHAIRPERSON.—The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

"(C) INFORMATION.—The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

"(D) MEETINGS.—The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

"(E) PERIOD.—The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

"(F) FUNDING.—The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

"(2) FAILURE TO APPOINT MONITORING PANEL.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this title.

"(3) DETERMINATION.—

"(A) PANEL.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2(b)(1) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this title.

"(B) GOOD CAUSE.—In this paragraph, the term 'good cause' includes—

"(i) lack of progress with employment of qualified staff;

"(ii) lack of consumer-responsive activities;

"(iii) lack of resource allocation to systems change and advocacy activities;

"(iv) lack of progress with meeting the assurances in section 102(e); or

"(v) inadequate fiscal management.

"(C) RECOMMENDATION AND ACTION.—If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under this title. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 102(d).

"(d) CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.—

"(1) DETERMINATION.—The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 102(e)(20) (referred to in this subsection as the 'first entity') has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

"(2) NOTICE AND OPPORTUNITY TO BE HEARD.—On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

"(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

"(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

"(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

"(3) REDESIGNATION.—

"(A) IN GENERAL.—When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

"(B) TIMING.—The Governor shall not issue such request until the first entity has been

given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

"(C) PROCEDURE.—Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 102(e)(20). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

"(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

"(F) the research activities carried out through the Federal initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

"(I) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of the enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(1) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

"(g) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 106 (29 U.S.C. 2216) is amended to read as follows:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve at least 2 percent or $1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this title, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and

"(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) disseminate information about, and foster awareness and understanding of, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages;

"(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

"(v) promote effective approaches to the development of consumer-controlled systems

that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEM'S CHANGE AND ADVOCACY ACTIVITIES, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systems change and advocacy activities;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).".

SEC. 107. REPEALS.

Section 107 (20 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing part A and inserting the following:

"Subtitle A—National Classification System

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) SYSTEM DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) PROJECT PLAN.—

"(A) REPRESENTATIVES.—In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

"(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

"(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 106(b), assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

"(B) ISSUES.—The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

"(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology services across public programs and information and referral networks.

"(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iv) The process for developing an appropriate data collection instrument or instruments.

"(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under the Internal Revenue Code of 1986 or State tax law.

"(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the system development project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum—

"(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION.—The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

"(e) REPORT TO THE PRESIDENT AND THE CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

"(1) the results of the system development project; and

"(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

"(f) RESERVATION.—From the amounts appropriated under subtitle C for fiscal year 1995, the Secretary shall reserve up to $200,000 to carry out this subtitle.".

SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing parts B, C, and D and inserting the following:

"Subtitle B—Training and Demonstration Projects

"SEC. 211. TRAINING.

"(a) TECHNOLOGY TRAINING.—

"(1) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

"(A) conducting training sessions;

"(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

"(2) ELIGIBLE ACTIVITIES.—Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

"(3) USES OF FUNDS.—An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(5) PRIORITIES.—

"(A) IN GENERAL.—Beginning in fiscal year 1994, the Secretary shall—

"(i) establish priorities for activities carried out with assistance under this subsection;

"(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

"(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

"(B) EXPLANATION OF DETERMINATION OF PRIORITIES.—Concurrent with the publications required by subparagraph (A), the Secretary shall publish in the Federal Register an explanation of the manner in which the priorities were determined.

"(b) TECHNOLOGY CAREERS.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

"(B) FIELDS.—The specific fields described in subparagraph (A) may include—

"(i) engineering;

"(ii) industrial technology;

"(iii) computer science;

"(iv) communication disorders;

"(v) special education and related services;

"(vi) rehabilitation; and

"(vii) social work.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"SEC. 212. TECHNOLOGY TRANSFER.

"The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6))), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

"SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

"(b) PROJECT ACTIVITIES.—Such recycling projects may include—

"(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

"(2) a system for storing and caring for such devices;

"(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

"(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

"(c) MULTIPLE PROVIDERS.—

"(1) IN GENERAL.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single service provider or may establish a system of service providers.

"(2) ASSURANCES.—If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

"(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

"(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

"(d) OTHER LAWS.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) EXISTING PROGRAMS.—Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

"SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

"The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

"The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.

"Persons and entities that carry out activities pursuant to this subtitle shall—

"(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under title I;

"(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

"(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

"(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

"Subtitle C—Authorization of Appropriations

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"TITLE III—ALTERNATIVE FINANCING MECHANISMS

"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

"(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an 'alternative financing mechanism') to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

"(b) MECHANISMS.—The alternative financing mechanisms may include—

"(1) a low-interest loan fund;

"(2) a revolving fund;

"(3) a loan insurance program;

"(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

"(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

"SEC. 302. APPLICATIONS AND PROCEDURES.

"(a) ELIGIBILITY.—States that receive or have received grants under section 102 or 103 shall be eligible to compete for grants under section 301.

"(b) REQUIREMENTS.—The Secretary shall make grants under section 301 under such conditions as the Secretary shall, by regulation, determine, except that—

"(1) a State may receive only 1 grant under section 301 and may only receive such a grant for 1 year under this title;

"(2) a State that desires to receive a grant under section 301 shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

"(A) an assurance that the State will provide at least 50 percent of the cost described in section 301(a), as set forth in section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

"(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

"(C) a description of the degree to which the alternative financing mechanisms to be funded under section 301 will expand and emphasize consumer choice and control;

"(3) a State that receives a grant under section 301—

"(A) shall enter into a contract, with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 301; and

"(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 301 and facilitating the administration of the alternative financing mechanisms, with—

"(i) commercial lending institutions or organizations; or

"(ii) State financing agencies; and

"(4) a contract between a State that receives a grant under section 301 and a community-based organization described in paragraph (3)—

"(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this title; and

"(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

"SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

"A State that receives a grant under section 301, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 301, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

"(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

"(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

"(3) A procedure to assure consumer-controlled oversight.

"SEC. 304. FINANCIAL REQUIREMENTS.

"(a) FEDERAL SHARE.—The Federal share of the costs described in section 301(a) shall be not more than 50 percent.

"(b) REQUIREMENTS.—A State that desires to receive a grant under section 301 shall include in the application submitted under section 302 assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 301:

"(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 301(a), in cash, from State, local, or private sources.

"(2) Funds that support an alternative financing mechanism assisted under section 301—

"(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

"(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

"(3) All funds that support an alternative financing mechanism assisted under section 301, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

"(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 301. Any interest or investment income that accrues on such funds after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a grant under section 301 shall be for an amount that is not more than $500,000.

"(2) INCREASES.—Such a grant may be increased by any additional funds made available under subsection (b).

"(b) EXCESS FUNDS.—If funds appropriated under section 308 for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 302 for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 301 for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

"(c) INSUFFICIENT FUNDS.—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 301, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

"SEC. 306. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, and the information and technical assistance shall include—

"(1) assisting States in the preparation of applications for grants under section 301;

"(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

"(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this title.

"(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

"SEC. 307. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 301 during the year is making significant progress in achieving the objectives of this title.

"(b) CONTENTS.—The report shall include information on—

"(1) the number of applications for grants under section 301 that were received by the Secretary;

"(2) the number of grants made and the amounts of such grants;

"(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

"(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

"(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—Amounts appropriated under subsection (a) shall remain available for obligation for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

"(c) RESERVATION.—Of the amounts appropriated under subsection (a), the Secretary shall reserve $250,000 for the purpose of providing information and technical assistance to States under section 306.".

TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)(1)) is amended—

(1) by striking ", and" at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting ", and"; and

(3) by adding at the end the following:

"(F) training in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 402. REHABILITATION ACT OF 1973.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking "characteristics of individuals with disabilities" and inserting "characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,".

(b) TRAINING.—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102-569 (106 Stat. 4412), is amended—

(1) by striking "; and" at the end of clause (ii) and inserting a semicolon;

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3))).".

SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities"; and

(B) by adding at the end the following: "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon;

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) in clause (ii)—

(I) by inserting ", or would have prevented," after "will prevent"; and

(II) by striking "and" at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and".

SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(1)" and inserting "3(2)"; and

(2) by striking "2202(1)" and inserting "2202(2)".

(b) ASSISTIVE TECHNOLOGY SERVICE.—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(2)" and inserting "3(3)"; and

(2) by striking "2202(2)" and inserting "2202(3)".

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) COMPLIANCE.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall comply with the amendments made by this Act—

(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

(2) not later than—

(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act; or

(B) October 1, 1994,

whichever is sooner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

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

Mr. Speaker, I rise in strong support of the technology-related assistance for the Individuals With Disabilities Act Amendments of 1994. The Subcommittee on Select Education and Civil Rights understands the urgency and importance of this legislation to the disability community and has moved to incorporate many of their recommendations in this reauthorization.

This bill is the culmination of a bipartisan effort. Moreover, the House and Senate have reconciled the differences in their respective bills, resulting in the strong piece of legislation which I present to the House today.

The State programs of technology-related assistance have come a long way since their inception in 1988. At that time, many individuals with disabilities were not aware of the existence of specific assistive technology devices tailored to their specific needs. Today, however, they can dial a 1-800 number in their State and actually get a voice at the other end of the line—a voice of someone who is a specialist in locating funding sources to pay for assistive technology. Additionally, individuals with disabilities can visit their State program at various sites, where they can try out devices and receive training in their use. The development and implementation of these programs have undoubtedly improved the ability

of individuals with disabilities to live independently and pursue meaningful careers.

This bill provides a 5-year reauthorization for title I, which will sunset in 10 years after one more reauthorization. Congress never intended for this program to become a permanent Federal grant program. Instead, we envisioned a program which would eventually take on a life of its own after an adequate amount of Federal seed money. When Federal funding is terminated, all 50 States will have had the benefit of 10 years of Federal support. Based on the progress of those States which are 5 years into their 10-year Federal cycle, 10 years should be ample time for the States to line up alternative sources of public and private funding for the future.

Title I includes clearer standards of accountability for the States to ensure that the bill's goals are accomplished within the period of Federal funding. Some of the changes to be made in title I include the following:

First, the requirement that States perform six specific systems change and advocacy activities, including outreach to underrepresented populations and rural populations.

Second, the requirement that States provide a specific amount of title I funds to a protection and advocacy agency, so that individuals with disabilities have access to legal representation when they are denied access to assistive technology to which they are entitled under law. It is imperative that these grants or contracts be in place no later than 60 days after the enactment of this legislation.

Third, the requirement that State lead agencies and protection and advocacy agencies be redesignated for good cause.

Title II also is reauthorized for 5 years. The new title II requires the Secretary of Education to develop a national classification system for assistive technology devices and services. It also includes grants for personnel training, technology transfer, recycling demonstration projects, business opportunities for individuals with disabilities, and the development of products of universal design.

Title III is a new but vital addition to current law. Across the Nation, there is a lack of capacity to deliver assistive technology devices and services to consumers. The experience of several States in establishing low-interest loan programs has demonstrated the effectiveness of alternative financing mechanisms in enabling individuals with disabilities to secure assistive technology in an expeditious manner. Therefore, title III introduces a program of one-time, Federal grants to States for establishing alternative financing mechanisms.

I urge my colleagues to pass this legislation to enable individuals with disabilities to continue their drive toward full inclusion and integration in the economic, political, social, cultural, and educational mainstream of our society.

□ 1450

Mr. Speaker, I wish to thank the gentleman from Michigan [Mr. FORD], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from North Carolina [Mr. BALLENGER], and other members of my subcommittee in the House, as well as the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. HARKIN], and the Senator from Minnesota [Mr. DURENBERGER] for their support in this bipartisan effort.

Mr. Speaker, I submit the following documents for insertion into the RECORD.

U.S. SENATE, COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, February 7, 1994.

Hon. MAJOR OWENS and
Hon. CASS BALLENGER,
Subcommittee on Select Education and Civil Rights, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. OWENS AND MR. BALLENGER: We are in receipt of your February 4, 1994 letters seeking a clarification of congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five-year reauthorization for the Technology-Related Assistance for Individuals with Disabilities Act.

We fully concur with your understanding of the policy in the bill regarding the above referenced provisions.

Sincerely,
DAVID DURENBERGER,
Ranking, Subcommittee on Disability Policy.
TOM HARKIN,
Chair, Subcommittee on Disability Policy.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 4, 1994.

Hon. TOM HARKIN,
Chairman, Subcommittee on Disability Policy, Senate Labor and Human Resources Committee, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to clarify Congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five-year reauthorization for the Technology Related Assistance Act for Individuals with Disabilities.

It is our intent that States receiving grants under Title 1 of the Technology-Related Assistance Act for Individuals with Disabilities will receive grants under this title for not more than a total of 10 years. Included in that 10 years are: one three-year development grant, one 2-year extension of that development grant if the State demonstrates to the Secretary of Education that they have made significant progress in developing and implementing a consumer-responsive, comprehensive, statewide program of technology-related assistance, and one 5 year second extension grant based on the above requirement. In year four and five, a phase-out of the second extension grant will occur with a State receiving 75% of their grant award in year four and 50% of their grant award in year five. After the fifth and final year of the second extension grant, no State will receive any Federal funds under Title I of this Act.

While we understand your concerns that the length of the authorization for this Act should be five years for purposes of oversight, it is our intent that no State should receive Federal assistance under Title I of this Act, the State grant program, for more than ten years. As you may recall, in 1988 when this program was created, and original Congressional intent was to provide Federal seed money to States to help them develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance. We do not believe that the Congress intended for this program to become a permanent Federal grant program and it is for that reason that we strongly support this sunset provision.

We hope that this is your understanding of the sunset and five-year reauthorization provisions of H.R. 2339 so that we can ensure this policy is clearly explained during the House and Senate floor debate when this bill is considered. We appreciate your consideration of this issue and look forward to hearing your views.

Sincerely,
MAJOR OWENS,
Member of Congress.
CASS BALLENGER,
Member of Congress.

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

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

I rise to support H.R. 2339, the Technology Related Assistance for Individuals with Disabilities Act Amendments of 1994. This bill represents a bipartisan agreement worked out between the House and the Senate. I want to commend the gentleman from New York, [Mr. OWENS] the gentleman from Iowa Senator HARKIN, the gentleman from Minnesota, Senator DURENBERGER, and all the staff for all the hard work and consistent efforts they did in order to work out the differences between the two bodies so that we can all support this bill today. The House passed this bill last August and the bill today reflects many of the policies made in the original House bill.

H.R. 2339 makes several changes in the current law to strengthen activities States are doing in order to make assistive technology devices and services available to individuals with disabilities. Assistive technology does make a difference in the lives of individuals with disabilities by providing them the opportunity to live independent and productive lives, and this legislation will continue to help make such assistive technology more accessible and available to them. With the issue of health care reform on the horizon for Congress to consider, States must have a delivery system in place for individuals with disabilities to access assistive technology and devices. H.R. 2339 makes such a delivery system possible.

I am particularly pleased that this bill has a sunset provision repealing

this program in fiscal year 2002. This will allow all States to participate in this program for no more than a total of 10 years with a phase out of Federal dollars in years 9 and 10. When Congress enacted this act in 1988, it was intended to provide Federal seed money to States to develop and implement a statewide system to eliminate barriers and make assistive technology accessible and available. The goal being that once that was accomplished, this Federal program would no longer be needed. While H.R. 2339 does have a 5 year authorization at the request of the other body for purposes of oversight, it is our intent that no State receive Federal assistance under title I of this act for more than 10 years. This policy is defined in a letter to Senator HARKIN and Senator DURENBURGER from Chairman OWENS and myself. I would like to include in the RECORD at the end of this debate both letters. I am glad the policy to end a Federal program once it accomplishes its intended goals was retained in this legislation.

I also support the new provision creating a one-time Federal matching grant to States to develop alternative financing systems so that individuals with disabilities can access financial assistance in order to purchase assistive technology devices. This Federal investment will be no more than $500,000 per State and will be matched dollar-for-dollar by the State. The State will have the authority to decide what type of alternative financing system to develop, such as a low interest loan or a revolving loan program, and will be required to have commercial lending institutions or State financing agencies jointly administer the program with a community-based organization. The Federal dollars will only provide seed money to help assist States develop their own alternative financing system, and such a system must be the payor of last resort. I believe this provision is essential if we expect individuals with disabilities to purchase assistive technology in order to become more independent.

I support this legislation and believe it will truly change the lives of individuals with disabilities. I urge my colleagues to support the passage of H.R. 2339.

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

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 2339, the Technology Related Assistance for Individuals with Disabilities Act Amendments of 1994. This legislation was enacted in 1988, as a Republican initiative, to improve occupational and educational opportunities for individuals with disabilities through assistive technology devices and services. The intent of the original act was to provide Federal seed money to States to assist them in developing and implementing statewide programs that increase access to, and availability of, assistive technology devices and services.

H.R. 2339 is a compromise between the House and the Senate but reflects many of the policies addressed by the original House bill. During the reauthorization process, it came to our attention that States still need time to change their current systems in order to make assistive technology accessible and available to individuals with disabilities. H.R. 2339 authorizes a second 5 year extension grant to States who have demonstrated significant progress in developing and implementing these statewide programs. However, once a State has participated in this program for a total of 10 years, Federal assistance under this program will terminate. I support this sunset provision, and believe it sends a message to States to remove barriers to assistive technology throughout the State.

I also support the new provision which will encourage States to develop alternative financing mechanisms, such as a low interest loan program, to enable individuals with disabilities to purchase assistive technology devices. This one-time Federal matching grant will be for no more than $500,000 per State. One of the biggest criticisms we have heard has been the lack of financial assistance available to individuals with disabilities to purchase assistive technology. If States decide to create alternative financing mechanisms, such financial assistance will be available as the payor of last resort once all other public assistance has been denied. I believe these financing systems will be the legacy of the Technology-Related Assistance Act for individuals with disabilities by providing access to much-needed financial assistance necessary to purchase assistive technology.

I support H.R. 2339 because I have seen the benefits that assistive technology has made in the lives of individuals with disabilities. Assistive technology can be the difference in whether an individual has the opportunity to be independent or is confined to a life of dependency on others. This legislation can make that difference and I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2339, and I am pleased that this bill will pass the House today without controversy, as it should. With the Chairman's permission, I would like to highlight an important section of this bill which has a direct impact on my district in Salt Lake City.

In a wise move, Congress recently changed the Federal regulations for the Head Start Program to enable local Head Start centers to use Federal funds to purchase their facilities. In light of the low interest rates and rapidly rising rents in many communities, including Salt Lake City, this was a cost-effective and farsighted change in regulations.

A Head Start center in my district had already saved taxpayers $100,000 by purchasing a building before the law was changed. Instead of being praised for good work, they were being sued by HHS for making the change too soon. Unfortunately, the Head Start Program in Utah has had to suffer through a prolonged and expensive court battle as a result of their inadvertent mistake.

No more. Last year Senator ORRIN HATCH and I joined forces to solve this problem. The bill before us today will suspend the legal proceedings against the Salt Lake Head Start center and allow them to purchase their facility. It is an example of how Congress can help strengthen our communities and improve the lives of our children, while saving taxpayer dollars at the same time. It is a living example of reinventing Government.

My deepest thanks to Chairman OWENS for his cooperation and vision in this matter, and to Chairman MARTINEZ, whose subcommittee has jurisdiction on this issue. Together, we made Government work.

□ 1500

Mr. BALLENGER. Mr. Speaker, I know of no Republican Members who want to speak on House Resolution 351, and, therefore, I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and agree to the resolution, House Resolution 351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on House Resolution 351, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

IRISH-AMERICAN HERITAGE MONTH

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 119) to designate the month of March 1994 as "Irish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I would like to acknowledge the good work of my friend and colleague, the gentleman from New York [Mr. MANTON], who is the chief cosponsor of the resolution designating the month of March 1994 as Irish-American Heritage Month, and, further reserving the right to object, I yield to the gentleman from New York.

Mr. MANTON. Mr. Speaker, I rise today in support of House Joint Resolution 246, a resolution I introduced to proclaim the month of March 1994 as "Irish-American Heritage Month."

I am pleased that 218 of my colleagues have joined me in sponsoring this important resolution. I would also like to thank Chairman CLAY for bringing this resolution to the floor.

House Joint Resolution 246 celebrates the heritage of over 40 million Americans of Irish descent. Irish-American Heritage Month is designed to honor all Irish-Americans and complement the hundreds of parades and activities sponsored around the United States every March in honor of St. Patrick's Day.

Mr. Speaker, Irish-Americans have played an important role in U.S. history. Four signers of the Declaration of Independence were Irish born. Commodore John Barry of County Wexford, Ireland, served in the Continental Navy and is widely regarded as the Father of the American Navy. President William Jefferson Clinton is the 19th American President of Irish ancestry. More than 200 Irish-Americans have been awarded the Congressional Medal of Honor. Mary Kennedy O'Sullivan, the first woman organizer of the American Federation of Labor, was of Irish origin. Nine of the generals who served in the Continental Army during the American Revolution were Irish born. Irish-Americans have contributed greatly to the enrichment of all aspects of life in the United States.

The idea for an Irish-American Heritage Month was first conceived by the late John W. O'Beirne, chairman of the American Foundation for Irish Heritage. The passage of this resolution will serve as a tribute to his hard work and dedication to increase the awareness of Irish-American heritage.

Again, I would like to thank my friend, Mr. CLAY, for bringing House Joint Resolution 246 to the floor today. I urge my colleagues to join me in supporting this important resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York [Mr. MANTON] for his background on Irish-American Heritage Month and for his eloquent remarks, and, Mr. Speaker, further reserving the right to object, I yield to my good friend and colleague, the gentleman from New York [Mr. FISH,], who is also an original cosponsor of House Joint Resolution 246.

Mr. FISH. Mr. Speaker, I thank my colleague, and, Mr. Speaker, I think this is a most appropriate action for the Congress of the United States to take. This resolution gives a compelling case of the contributions of Irish-Americans to the United States throughout our history, from the very beginning up to date, and, Mr. Speaker, for me it has meaning because of the fact that in my congressional district Tara Circle will soon be a substantial embodiment of a location where we can celebrate the heritage, the culture and the identity of Irish-Americans and their great contributions to this country.

Mr. Speaker, I congratulate my colleagues for bringing this measure before us today.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from New York [Mr. FISH] for his supportive remarks and for being an original cosponsor of this measure.

Mr. Speaker, further reserving the right to object, I am once again pleased and honored to join in as an original cosponsor of this resolution Senate Joint Resolution 119 to honor Irish American Heritage Month for this year 1994. I commend my colleagues, the gentlemen from New York, Mr. MANTON and Mr. FISH for their leadership and support for this resolution.

Millions of Americans trace their ancestral roots to the Emerald Isle, and are immensely proud of this rich heritage. It is indeed fitting that today we in the Congress once again seek a month to honor that very proud Irish-American heritage.

The contributions of Irish-Americans and that proud heritage, was widely observed by many Americans recently when the Nation paid public tribute to the life and career of former House Speaker Thomas P. "Tip" O'Neill on his death. Speaker O'Neill had made many contributions to American life. He was particularly proud of his Irish heritage, as are so many others in America today. Speaker Thomas O'Neill was part of a long line of those of Irish heritage who contributed much to America, particularly our political history. He shall always for example, be remembered in our political folklore for his description of all politics as being local.

It is little noted, but at one time our President of the United States, the Speaker of the House, and the Senate majority leader were all of Irish heritage. During the John F. Kennedy era, the Irish in America held the three highest elected offices in the land. In the modern era, former President Ronald Reagan also proudly pointed to his Irish heritage and ancestral family links to Ballyporeen Ireland.

Not only have the Irish made significant contributions to American politics, but in sports, commerce, our armed services, the arts, and literature, among others, the Irish have contributed to our great Nation's history and culture. A month honoring that heritage is a fitting tribute to the many contributions of those of Irish heritage. Those such as Thomas P. "Tip" O'Neill and Ronald Reagan, and so many others of Irish background have already, and surely will contribute much to America's well being in the future, as well.

Accordingly, I am pleased to rise in support of this important measure, and I urge all my colleagues to join in support of this important resolution.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 119

Whereas the first Irish emigrants arrived in America as early as 1621;

Whereas 9 of the generals who served in the Continental Army during the American Revolution were Irish born;

Whereas Commodore John Barry of County Wexford, Ireland, served brilliantly in the Continental Navy and is widely regarded as the father of the American Navy;

Whereas James Smith, George Taylor, Matthew Thornton, and Charles Thomson, 4 of the individuals who signed the Declaration of Independence, were Irish born and 9 other signers were of Irish ancestry;

Whereas the contributions of the Irish to America's victory in the American Revolution led Lord Mountjoy to exclaim in the British Parliament that "America was lost by the Irish emigrants";

Whereas beginning at the time of the potato blight and famine in Ireland in 1845, over 700,000 Irish immigrants came to the United States during the 1840's, 900,000 during the 1850's, and over 300,000 in each decade through 1910;

Whereas Irish Americans participated heavily in the industrial and economic development of America during the nineteenth century, building our cities and canals and the railroads that expanded the Nation to the West;

Whereas even today, it is said that under every railroad tie an Irishman is buried;

Whereas the Irish contributed greatly to the development of the labor movement in the United States, including the establishment of the American Miners Association in 1861;

Whereas nearly 150,000 natives of Ireland served in the Union forces during the Civil War;

Whereas more than 500 members of the Irish Brigade were killed while fighting for the Union in the Battle of Antietam on September 17, 1862, a date that has been called the bloodiest day in American history;

Whereas the Irish Brigade fought courageously in several other Civil War battles including Fredericksburg, Chancellorsville, Yorktown, Fair Oaks, Gaines Mill, Allen's Farm, Savage Station, White Oak Bridge, Glendale, Malvern Hill, Gettysburg, and Bristow Station;

Whereas in 1892, Annie Moore from County Cork, Ireland, at age 15 became the first immigrant to pass through Ellis Island;

Whereas Irish Americans have made numerous contributions to the arts and to sports, as exemplified by the achievements of F. Scott Fitzgerald, Eugene O'Neill, Helen Hayes, Georgia O'Keefe, John L. Sullivan, and Connie Mack;

Whereas the first woman to serve as the organizer of the American Federation of Labor was Mary Kennedy O'Sullivan;

Whereas at the beginning of the twentieth century, many of the school teachers in America's largest cities were Irish American women;

Whereas President John F. Kennedy was the first American President to visit Ireland during his term in office;

Whereas Irish Americans, including Kathryn Sullivan, the first American woman to walk in space, and Christa Corrigan McAuliffe, America's first school teacher in space who perished on the Challenger mission, have bravely served as America's pioneers in space;

Whereas more than 200 Irish Americans have been awarded the Congressional Medal of Honor;

Whereas President William Jefferson Clinton is the nineteenth American President of Irish ancestry;

Whereas 37 United States governors and mayors designated March 1993 as "Irish-American Heritage Month"; and

Whereas 44 million Americans are of Irish ancestry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1994 is designated as "Irish-American Heritage Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 51

Ms. SCHENK. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 51.

The SPEAKER pro tempore. Without objection, the gentlewoman's remarks will appear in the RECORD.

There was no objection.

PRESIDENT'S HEALTH CARE PLAN NOT DOWN FOR THE COUNT

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

Mr. RICHARDSON. Mr. Speaker, inside the beltway the special interests and the Republicans are saying the health care bill is in trouble. They are saying this, despite the fact that the first inning has not even started, and we have not even had one vote on the plan.

Mr. Speaker, those that count President Clinton out early should remember what happened with the budget reconciliation bill and with NAFTA. Outside the beltway the American people want health care reform, and they want the President's plan.

The truth of the matter is that the President's plan makes sense, and it is the only one on the table that provides guaranteed private insurance that can never be taken away.

Mr. Speaker, inside the beltway everybody is crowing about how the health care plan is in trouble. But when the American people see who is doing what, they will side with the President's plan. And once again, like NAFTA, like the budget reconciliation bill, the President's plan will win.

Mr. Speaker, the president is leading this Nation and leading the fight for health care reform. He has driven this process and the American people know that the health care system is broken and needs to be fixed.

Some will claim that there is no health care crisis. Others will try to paint the President's plan as overly bureaucratic and as a new budget expenditure.

The truth of the matter is that the President's plan makes sense and is the only plan that provides guaranteed private insurance that can never be taken away. The current debate surrounding the CBO's accounting decisions amounts to arguments between inside-the-beltway policy wonks that should not affect the outcome of health reform.

The President's plan rejects a Government-run, Government-financed system in favor of a system that is rooted in the private sector and builds on the employer system to guarantee every American private comprehensive health insurance.

Mr. Speaker, the campaign of misinformation will, unfortunately, continue but, in the end, the American people will see the President's plan for what it is, an attempt to guarantee good health care for all Americans.

LET'S STOP DISABILITY INSURANCE FRAUD

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

Mr. SMITH of Michigan. Mr. Speaker, Supplemental Security Income was designed to help the disabled who can no longer work and sustain their incomes. Unfortunately, some people have found that a court interpretation of a 1972 law allows them to take billions of dollars from U.S. taxpayers by having their children classified as disabled because they are slow learners or have behavioral problems. Several constituents brought this unfair situation to my attention. Over the last several months, I drafted a bill to stop this fraud by eliminating extra disability benefits for those under 16 years old, saving taxpayers $3.6 billion per year. Parents of these children would still be eligible for medical care through Medicaid, AFDC and other low income assistance programs, but they couldn't claim disability benefits of an additional $400 per child per month. I plan to introduce legislation this week and invite cosponsors.

The problem of disability abuse has come increasingly into the public spotlight, including this article in last Friday's Washington Post by Bob Woodward and Benjamin Weiser, that I will include as an extension of my remarks.

My bill will protect the integrity of S.S.I. and save billions of dollars for hard working taxpayers.

The article referred to follows:

[From the Washington Post, Feb. 4, 1994]

COSTS SOAR FOR CHILDREN'S DISABILITY PROGRAM: HOW 26 WORDS COST THE TAXPAYERS BILLIONS IN NEW ENTITLEMENT PAYMENTS

(By Bob Woodward and Benjamin Weiser)

Nora Cooke Porter, a pediatrician and lawyer, works on the front lines of the nation's entitlement system. She can barely contain her frustration as she flips through some of the thousands of applications for a federal aid program for disabled poor children that have passed through her Harrisburg, Pa., office over the last two years.

The files show, she says, that children who curse teachers, fight with classmates, perform poorly in school or display characteristics of routine rebellion are often diagnosed with behavioral disorders and therefore qualify for the program's cash benefits, which average $400 a month. Under a broad new federal standard prompted by a 1990 Supreme Court ruling, behavior that isn't "age appropriate" is considered a disability.

Porter feels her hands are tied by the new rules. She has tried to block benefits to children who, in her medical opinion, are not suffering from any disability. Her superiors have overruled her, and she has written detailed rebuttals. Last month, she was suspended without pay for her repeated protests, and she believes her job as a disability-review physician is in jeopardy.

Months before her suspension, she agreed to be interviewed because she believes that the children's disability program is an example of an entitlement system gone haywire. She hopes that her decision to speak out will draw attention from congressional or federal investigators.

The age-appropriate standard is only the most recent flaw in the program, according to Porter and others. They trace the programs' problems to its origin: a vague, little-debated 26-word clause that was hastily inserted in a mammoth welfare bill passed in 1972.

Porter's criticisms are echoed by many others who work in the program. They say they sympathize with the children, many of whom are living in desperate poverty. But,

they argue, the program does little to help them with their real troubles, especially since the majority of children who now qualify have mental disorders rather than physical ones.

How to provide for the country's neediest—the old, the young, the poor, the sick, the disabled, the disadvantaged—without bankrupting the Treasury has become one of the central governing questions of our time.

Earlier this week, The Washington Post published a series of articles on the rising cost of Medicaid, the health insurance program that is the government's largest entitlement for the poor. This article examines the little-known children's disability program, another entitlement for the poor, which is experiencing the same skyrocketing costs as Medicaid.

Last year, the children's disability program cost $3.6 billion. It was serving 770,000 at the end of December, a number that none of its sponsors imagined possible when it was enacted 20 years ago, they say. Because disability recipients automatically qualify for Medicaid, the program's rapid expansion also has led to hundreds of millions of dollars in additional costs for that entitlement program.

Children's disability is a component of a larger entitlement program called Supplemental Security Income, or SSI, which provides benefits to poor people who are elderly, disabled or blind. By law, entitlement programs guarantee government benefits to anyone who meets the qualifications set out in legislation or in regulations. Federal spending levels are mandatory, meaning they cannot be altered unless the law is changed.

WHAT CAN HAPPEN

The history of the children's disability program illustrates what can happen when a law is enacted without much debate or study and then becomes subject to interpretation by regulators, advocates and the Supreme Court.

The new age-appropriate standard that Porter criticizes was written by federal regulators after the Supreme Court ruled that the law required the government to use a broader definition of disability in determining eligibility.

Since the court ruling, the number of children receiving benefits has more than doubled. The decision also led to lump-sum back payments for some 150,000 children who had been denied benefits under the old rules. These back payments—which averaged $15,000, with some as high as $75,000—have cost the government $2 billion since 1991, plus at least $287 million more in administration.

In a survey of state disability determination directors conducted last summer, more than half cited "inappropriate use of SSI funding" as the most common concern in their states. Parents or guardians are not required to use the money for therapeutic or medical aid. They can spend the cash payment as they please, as long as it benefits the child in some way. That rule has been interpreted to allow the purchase of a television set, a video game or a car.

"I really have to grapple with the idea that I'm allowing that parent to use the money any way they want to, fairly certain, given the history, that the child is not going to benefit," said a psychologist in the Washington disability determination office. "And that happens to us . . . eight times a day."

The lump-sum payments revealed what both supporters and critics of the program see as the absurdity of federal spending rules. Families receiving the back payments were required to spend the money within six months so that their sudden wealth would not make them ineligible for the income-based program.

Last summer, a group of disability experts and officials met in Washington to discuss the mission of the children's disability program. According to a confidential memo about the July 19 meeting, a congressional staff director "questioned exactly what we were trying to accomplish by giving disabled children benefits."

The response: "From a social policy perspective," the memo said, "it was interesting that no one really had a good answer"—not the policy experts, nor the people who run the program, nor even the people who oversee the legislation.

A CONSOLATION PRIZE

The children's disability program began in 1972 as a kind of consolation prize.

The Senate had just killed the Nixon administration's proposal for a guaranteed minimum income for poor Americans. As a compromise, Congress established SSI to provide aid for the "deserving poor": the elderly, blind and disabled. Initially, no money was set aside for children.

Thomas C. Joe, a senior federal welfare official, inserted the 26-word clause that expanded SSI to cover children. It appeared in parenthesis, as follows: "(or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)."

Joe, 58, now head of a Washington social policy think tank, said that expanding the program to cover disabled children was part of his "incremental strategy" to assist as many poor people as possible. It was a welfare program disguised as disability assistance.

There was no consideration of the financial or policy consequences or of other ways to aid disabled children, according to participants in drafting the original legislation. Nor was there any public hearing that even mentioned Joe's 26-word clause.

Joe acknowledged with some humor that he tucked the provision into the 697-page bill in order to sneak it through. "I was afraid that too many people were going to discover this and it would be a big controversy," he said. "This is a good example of democracy not at work," he added.

The Senate Finance Committee chairman at the time, Russell B. Long (D-La.), made a run at killing the provision. "Disabled children's needs for food, clothing and shelter are usually no greater than the needs of non-disabled children," his staff wrote in a Sept. 26, 1972, committee report. It said disabled children needed health care and rehabilitative services, not money, and noted that Medicaid already covered poor children's health costs in 48 states.

During the closed-door, marathon weekend House-Senate conference in October 1972 to reconcile different versions of the bill, hundreds of other welfare, Medicaid and Medicare issues were being resolved, and SSI received little attention.

"It wasn't thought of as a big deal," said Frank Crowley, a now retired senior staffer who worked on the bill. "It was one of these annoying little details."

The 67-page report from the conference made no mention of how the issue was settled. J. William Kelley, a House Ways and Means Committee staffer at the time, has a copy of the only existing conference paper about Senate amendment No. 564, which called for dropping Joe's provision. The single sheet reads: "CONFIDENTIAL. Summary: The House bill authorizes payment to children under age 18. The Senate bill does not." The line under "Cost" was left blank.

When the conference report was presented to the House on Oct. 17, 1972, Rep. Phillip Burton (D-Calif.) rose to praise the new program. "Thanks to Tom Joe, this is now a reality," he said.

WHAT IS DISABILITY?

Joe's amendment became law without anyone addressing the obvious question: How do you define disability for a child?

Previously, disability assistance had been premised on the disabled person's inability to work. The purpose was to make up for lost income. The bill creating SSI defined a disabled adult as someone "unable to engage in any substantial gainful activity."

But children don't work, at least until they become teenagers. "It is ludicrous on its face to apply the same standard to children," said Joseph Humphreys, a former congressional staffer who worked on the 1972 bill. Humphreys called the 26 words "a punt by Congress" that left regulators to decide what to do.

The meaning of Joe's 26 words—especially the phrase "comparable severity"—has been controversial ever since. Even today, Joe said, he doesn't know exactly what the phrase was supposed to mean.

In writing regulations, the Social Security Administration, which runs SSI, said an adult was eligible if his or her disability appeared on a predetermined list of physical and mental impairments. If it didn't, the adult could still qualify by having a personal evaluation that determined that he or she was unable to work.

The regulations treated children differently. They had to manifest one of the listed impairments, such as acute leukemia, chronic epilepsy or serious mental retardation. Because children generally don't hold jobs, individual evaluations were not considered necessary.

In the early 1980s, the Reagan administration moved to slash the number of people on federal assistance programs, including SSI. One of the thousands of people affected was Brian Zebley, a 5-year-old retarded boy. His family filed a lawsuit, charging that the government was illegally denying benefits to Brian and other children.

As the case wound its way through the federal courts, it attracted a vigorous and passionate advocate—Jonathan Stein, a legal services lawyer in Philadelphia. The legal counterpart to Joe, Stein saw the courts as a way to extend benefits to the poor. He and a colleague, Richard Weishaupf, took Zebley's case all the way to the Supreme Court.

Stein spotted the logical flaw in the administration's way of determining eligibility: The "comparable severity" test could not be applied to children unless the methods of assessing disability in adults and children were themselves comparable. Children deserved the same kind of individual assessments that adults were receiving, Stein argued.

A Supreme Court case often carries the expectation that large constitutional, moral or social issues will be addressed. The Zebley case, however, was framed narrowly: Had the government properly interpreted the law? In 1990, in Sullivan v. Zebley, the Supreme Court ruled 7-2 in Zebley's favor and ordered the Social Security Administration to give children the same individual analysis as adults.

To implement the high court's ruling, the agency asked a panel of experts to settle the question: What is the work of a child?

The panel's answer, in the form of new regulations, is the primary cause of Nora Porter's complaints. The new rules defined a child as disabled if his impairments "substantially reduce" his ability to "grow, develop or mature physically, mentally or emotionally and thus to engage in age-appropriate activities of daily living." These activities ranged from learning, communicating and performing in school to interacting appropriately with peers and family members.

Social Security officials said the panel was seeking a common-sense way of comparing children and adults. In Porter's view, they failed. "Age appropriate is a fictitious standard," she said. "It applies to the perfect child, and any deviation from that allows someone to apply for and likely be declared disabled."

James Perrin, a Harvard Medical School pediatrician who helped develop the regulations, said Porter's criticism was unrealistic and out of touch. He said physicians need some standard to assess a child's behavior. "None of us can think about children without raising the question of age-appropriate behavior," he said. "There's no way of approaching children and adolescents without thinking about that."

VICTORY PROVIDES LEVERAGE

Stein's legal victory gave him enormous leverage over the children's disability program. According to federal and state officials, he became the program's de facto supervisor.

Stein regularly threatened to seek contempt-of-court citations when he felt the Social Security Administration wasn't implementing the rules fast enough. He also provided the news media with information on how the agency's foot-dragging was costing hundreds of thousands of disabled children money that the Supreme Court said they deserved.

One of Stein's most significant accomplishments was getting Social Security to review roughly 450,000 cases, dating to 1980, in which children had been denied benefits. This led to the 150,000 lump-sum back payments.

But not even Stein could do anything about the government's requirement that the recipients spend the money within six months to remain eligible for the program. Stein unsuccessfully tried to create an exception for back payment recipients, calling the rule "Kafkaesque."

The rules legitimized and even encouraged shopping sprees. In a case that both federal officials and program advocates said was fairly typical, Beverly Smith of Greenville, Ky., received a back payment in 1992 of $13,000 for her 11-year-old son, who is hyperactive and was deemed disabled under the new rules. Smith, who earns about $8,000 a year sweeping up in a local bank, said she was shocked to receive so much money at once.

She used the money to buy a car, a washer and dryer, a refrigerator, a stove, a television, a $2,500 computer and three jogging suits for her son, she said in a recent interview. She also repaired her bathroom, leaky roof and collapsed hallway floor.

The computer, she said, has helped her son to sit still for long periods of time for the first time in his life. The stove had to be fitted with protective glass doors because her son once started a fire in the kitchen.

Smith now receives a regular monthly SSI check from the government for $446, in addition to Medicaid benefits.

In other cases disability money—both the back payments and the monthly checks—has been spent on everything from medical expenses not covered by Medicaid to family vacations. In some cases, families have tried to avoid the spending sprees by establishing trust funds for children, but such arrangements are legally complex and prohibitively expensive.

The Social Security Administration does require an accounting from the person who is entrusted with the child's check. But the agency does not have the resources to scrutinize spending on a large scale. A guardian is suspended only if an egregious misuse of the money is called to the agency's attention.

"When you get into programs like this," said Louis D. Enoff, a 30-year veteran of the Social Security Administration and its acting director until July 1993, "if you write something that's very, very tight, then you have great difficulty. . . . You're going to have to follow up with a tremendous administrative detail to follow it through. What are we going to do? Follow every penny and ask for check stubs? And go see the evidence?"

Enoff said he wasn't sure a purchase such as a car should be allowed. "Yeah, they may buy a new car, but it's not a Mercedes or something," he said. "That's probably benefiting the kid as much as anything, because he needs treatment and he gets better treatment. . . . If the child has to go to the hospital once a week, there're taking a cab now. So you pay for the car pretty quickly." He added, "I mean, I would not buy a car, maybe, if it was me."

Social Security officials said the evidence of abuse is small. "I believe that most people are honest people. . . . who really care about their kids," said Barry Eigen, a senior Social Security official. They're not trying to beat somebody out of something. They need this."

FRACTURED ADMINISTRATION

Administration of the child disability program is divided among state and federal offices in a vast, fractured system where hardly anyone is responsible for seeing the big picture.

First, applicants visit federal Social Security offices, where financial eligibility for the program is determined. Then, the applications are sent to separate state offices, such as the one where Porter works in Harrisburg. The state offices determine medical eligibility. Finally, the cases return to the Social Security offices, which make the monthly payments and oversee the spending of the money.

Doctors and examiners in the state offices make their judgments on the basis of applications and medical assessments. They almost never meet the children they are evaluating or the parents who are spending the money. "Our work begins in the mailroom when we receive a file and ends in the mailroom when we send it back with an allowance or disallowance," said Myrtie Adkins, the Maryland office director.

Meanwhile, the Social Security officials who see the applicants have no input on the disability determination. "We don't question the decision," said Ruby Burrell, head of the Camp Springs, Md., Social Security office. "We don't even question if they are really disabled. It would be improper to do that. . . . You meet the criteria, you get the benefits."

Many recipients come from troubled families, where parents or guardians may have their own addictions or pathologies.

Karen Bolewicki, a senior examiner in Maryland for eight years, said "at least one-third" of her cases involve families in which a parent is a drug or alcohol abuser. And Maryanne Bongiovani, a psychologist in Maryland for five years with a PhD, said a quarter of the 4,000 children's cases she has reviewed involve sexual abuse by a family member.

Kenneth R. Carroll, a psychologist with a PhD and a former colleague of Porter's in Pennsylvania, said these troubled family situations made him uncomfortable approving certain applications. "Many of the problems these children manifest are largely traceable to parental neglect or abuse," said Carroll. "Behavioral and emotional problems or conduct disorders that are directly attributable to inadequate parenting are being called disabilities, and the parents are receiving a cash award for having achieved the problem."

But Leslie Ellwood, a pediatrician with Virginia's office of disability determination, said just because a disability stems from poor parenting doesn't mean the children do not deserve assistance. "You don't want to visit the sins of the parents on the child," Ellwood said.

To address all these complicated questions, the government has now written some 40,000 words to interpret Tom Joe's original 26-word phrase. "We're doing a lot here based on one little statement," said Louis Enoff. "And is this really what was meant?"

CLINTON TOLD SOME REAL WHOPPERS

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

Mr. INHOFE. Mr. Speaker, I was coming up from Tulsa, OK, on the plane last night and saw an article from USA Today called "Clinton Told Some Real Whoppers." There is not time in 1 minute to go over them, but it is really incredible.

He said that 58 million Americans go without health insurance and it is really 38 million Americans, and two-thirds of those are between jobs.

He indicated "Our economic program has helped produce the lowest core inflation rate and the lowest interest rates in 20 years." False again. The interest rates have been tumbling for the last 9 years. His budget did not even go into effect until October 1, and interest rates have been going up since them.

"For 20 years wages of working people have been stagnant or declining." Wrong again, Mr. President. The average disposable after-tax income of Americans has risen 39 percent in the last 20 years.

It is incredible how the President can say false things with such conviction. I include this article for the RECORD so that others can enjoy it too.

The article referred to follows:

[From USA Today, Feb. 7, 1994]

CLINTON TOLD SOME REAL WHOPPERS!—THE PRESIDENT'S STATE OF THE UNION SPEECH BENT THE TRUTH ON A NUMBER OF ECONOMIC AND HEALTH-CARE ISSUES. HERE'S HOW.

Jimmy Carter once promised the American people, "I will never lie to you." Bill Clinton has made no such vow, and it's a good thing. The exuberant chief from Arkansas has

many talents, but sticking to facts is not one of them. His well-received State of the Union address teemed with whoppers, particularly on the crucial issues of the economy and health care.

The first substantive lines of the speech set the tone. "For 20 years," he declared, "the wages of working people have been stagnant or declining. For the 12 years of trickle-down economics, we built a false prosperity on a hollow base as our national debt quadrupled."

Both sentences took liberties with the record. Americans haven't gone broke. The average disposable (after-tax) income of Americans has risen 39% since 1972, and median family income has grown more than 12%—after accounting for inflation.

The "false prosperity" of the 1980s included the largest peacetime economic expansion in U.S. history, which created more than 18 million jobs. Unemployment tumbled to 5.3% in 1989, far lower than anything the president predicts during his helmsmanship. Personal and family income for blacks and Hispanics reached all-time highs in 1987, the heart of the Reagan recovery.

Clinton used his opening salvo to prepare the ground for a before-and-after comparison and proclaim the superiority of Clintonomics over Reaganomics.

"This Congress," he boasted, "produced a budget that cut the deficit by half a trillion dollars, cut spending and raised income taxes on only the wealthiest Americans."

Yet according to the budget submitted last year by the administration, Congress expected to reduce the annual federal deficit over five years from $322 billion to about $214 billion—with the figure zooming above $400 billion shortly thereafter. In other words, the red ink would recede only temporarily—and only if you don't count the hundreds by the Clinton health-care plan, which the president wants to put "off budget."

As for spending "cuts," the original Clinton plan sought to increase federal outlays over five years by a cumulative total of $1.3 trillion, while piling an additional $1.1 trillion onto the debt.

The tax hikes targeted for the "super-rich" will affect people earning as little as $22,000 a year. The administration avoided admitting this by using a little trick. It counted as personal income anything one could sell in an emergency: home, insurance policies, savings, pensions, investments and so on.

Later in the speech, Clinton crowed that "experts predicted that next year's deficit would be $300 billion. But because we acted, those same people now say the deficit's going to be under $180 billion, 40% lower than was previously predicted."

This passage includes a crucial fallacy. Clinton didn't have anything to do with last year's budget, George Bush's last, in which the deficit shrank from a projected $322 billion to $235 billion.

If Congress had passed Clinton's "stimulus" package, things would have been different. Taxpayers would have had to support at least $8 billion in fresh spending during 1993 and $109 billion through 1997.

Next: "Our economic program has helped produce the lowest core inflation rate and the lowest interest rates in 20 years." Sorry: Interest rates have been tumbling for nine years. Alan Greenspan gets credit for that. And all the bragging about last year overlooks one telling fact. The Clinton budget didn't even take effect until Oct. 1. Since then, interest rates have crept upward.

And: "We have proved we can bring the deficit down without choking off recovery, without punishing the seniors or the middle class, and without putting our national security at risk." Actually, "we" didn't prove anything in 1993, except that "we" could inherit a rebounding economy. Still, the sentence does describe nicely the Reagan recovery of 1982-87.

Finally, the president asserted that 58 million Americans go without health insurance at some time during the year. Figures published by the Employment Benefits Research Institute place the number of uninsured at 38 million and show that nearly three-quarters of these people go without coverage for eight months or less.

Every commander in chief shades the truth, of course, especially in set-piece orations like the State of the Union. But while most presidential prevarications involve simple overstatements, Clinton demands great, huge, Texas-sized fibs.

Now the public will get to judge his performance. Today, Clinton stands on the threshold of his presidency. His first budget kicked in four months ago. His tax policies have begun to bite. Of all his buoyant predictions, only one stands above question: "The buck stops here."

TRANSFER OF SPECIAL ORDER TIME

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS] be permitted to take the 60-minute special order previously granted to the gentleman from Georgia [Mr. GINGRICH] for today, February 8, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RESPONSIBILITY IS BEGINNING TO WORK

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, responsibility can be hard to find around this town. In the process of trying to get reelected, we sometimes see Presidents acting in ways that are not in the most responsible and best long-term interests of our country. The growth of the enormous budget deficit is a prime example of blatant irresponsibility in the Capitol.

I am delighted, therefore, to now reap the benefits and results of an act of genuine and committed responsibility—a shrinking deficit. Last year, many of us voted in support of President Clinton's deficit reduction bill. This legislation was a firm and responsible effort to reverse the skyrocketing tract that the Federal deficit had been on for the past decade. If this effort had not been made, the deficit would now be $126 billion higher with even bigger projections predicted for the years ahead.

Fortunately, the budget deficit fell significantly last year and is expected to fall for the third year in a row in 1995. A 3-year decline is remarkable considering that it hasn't occurred since President Truman was in the White House. Mr. Speaker, if you take a look around, you can seek the sights and sounds of something new—responsibility is beginning to work and it sure looks good.

MAKEUP OF FEDERAL RESERVE NOT REPRESENTATIVE OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, for the past 2 years all of us have been hoping and working and worrying about how to restore economic growth. Meanwhile over at the Federal Reserve, they've been worrying about inflation. Now that there is the pale sunshine of possible healthy growth and we see a few tender shoots of consumer confidence, the Fed is determined to transform it into winter again—burying our hopes under the mudslide of higher interest rates. To the Fed, the possibility of prosperity is a threat.

The Federal Reserve believes that if the United States actually starts moving forward, the result will be that nasty old devil of inflation. So their policy is to let us all know that zero prosperity with low inflation and plenty of fear and hardship, is much to be preferred to modest and healthy growth. So they follow a monetary policy that in effect, buries optimism under a mudslide. We will live through it, but we will all know who runs the show—and that is the Fed.

But what is the Fed? It is, to be sure, our independent central bank, whose mission has always been to smooth out bumps in the economy that used to be called panics.

The Fed was conceived by bankers and has always been dominated by people with the same narrow vision. Since its founding in 1913 the Fed has had 87 governors and 110 presidents at the 12 Federal Reserve Banks. Among all of these 197 extraordinarily powerful individuals there have been just two governors of color. Of the 110 Federal Reserve Bank presidents, there has been one woman and no—zero, none, nada, zilch—minority appointments. Among the 87 Governors of the Fed there have been 3 women and 2 persons of color—that is all.

You have to wonder: Is only one type of human being suited to carry out the work of a Federal Reserve Bank? Is there only one type capable of being a Fed Governor? Surely there is a truly independent academic or a business man or woman out there who is competent to think about, analyze the economy and steer its direction. Surely there is somewhere in the United States a home builder or labor leader—maybe even an academic—who is perfectly fit to serve on the Federal Reserve Board. There may even be a female, Hispanic, Asian-American or African-American fit to serve—in fact, there surely is.

One of the real problems of the Federal Reserve is that its thinking is narrow, insular, and very often wrong. It cares only about its own power as an institution because it does not have to have the approval of anybody except itself. The Fed is not hurt by an infirm or failing economy; its mistakes are borne by the rest of us.

The Fed's narrow vision, its incestuous, inbred governance, makes it prone to arrogance and error. The place needs airing out. There is a vacancy on the Board of Governors today; what kind of person the President selects to fill it is of more than passing importance.

Today there is an opportunity to throw open at least one window of the Fed, by selecting someone other than the typical banker or banker's academic—by selecting someone who is in fact a competent observer of the economy, and who also looks a little more like the rest of us. As it is today, the Supreme Court, conservative as it is, has more women and minorities on it than the Fed has had in all its history. Presidents, even Republican Presidents, long ago recognized that diversity is good for the Supreme Court. The Fed today is a bastion of segregation; it is time that this changed. The President has the opportunity to make such a change, and I have urged him to do so in a letter I sent him today.

I urge President Clinton to consider appointing someone who represents America as we know it today. It is imperative that any candidate be a free thinker who is willing to stand up for what he or she believes so as not to get swallowed up by the Fed's "old boys network" with its traditional disdain for public accountability and its cult of secrecy.

I include for the RECORD the following items:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, February 3, 1994.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: With the recent announcement of the resignation of Vice Chairman Mullins from the Federal Reserve Board, I want to express my great concern that the current composition of the Federal Reserve does not remotely reflect the diverse nature of the United States. Your commitment to a Federal Government that "looks like America" must include the Federal Reserve, as the decisions and actions of these officials undoubtedly affect every American citizen.

The Banking Committee staff recently released a study on the status of Equal Employment Opportunity (EEO) and women and minority representation at the Federal Reserve Board and Reserve Banks. The report clearly demonstrates the lack of diversity at the highest levels of the Federal Reserve, a condition that unfortunately, also exists at the other Federal banking regulatory agencies.

I am also concerned that efforts to find competent individuals with unique perspectives and backgrounds essential to the development of monetary policy for a diverse country will be jeopardized by limiting potential candidates to only certain professions. I sincerely hope that you will seize this opportunity to depart from the practices of the past and appoint candidates that reflect both this nation's diversity and your commitment to move the entire nation forward.

Thank you for your consideration. With best wishes, I am

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC.

WASHINGTON, DC., February 8, 1994.—Chairman Henry B. Gonzalez of the Committee on Banking, Finance and Urban Affairs today urged President Clinton to "seize the opportunity" to replace departing Federal Reserve Governors Wayne Angell and David W. Mullins "with candidates that reflect this nation's diversity, something which you clearly feel strongly about as evidenced by your own diverse Administration."

In a letter sent to President Clinton today, Chairman Gonzalez said, "I want to express my great concern that the current composition of the Federal Reserve does not remotely reflect the diverse nature of the United States."

"Since the Federal Reserve's establishment in 1913 there have been 87 members of the Federal Reserve Board. Only three have been women and two persons of color," Chairman Gonzalez said. "By any objective measure, this is totally unacceptable and impossible to justify. I have no doubt that the President agrees."

"If Presidents had only treated the FED as they have the Supreme Court, the FED today would at least be more representative of the country. Conservative as it is, the Supreme Court has more women and minorities on it than the FED has had in all its history. Presidents, even Republican ones, long ago recognized that diversity is good for the Supreme Court," he said.

"The statistics show otherwise, however. There is currently only one woman Federal Reserve Governor and no non-white, non-male president at any of the 12 Federal Reserve Banks. Indeed, there has only been one woman and no minority Bank president among the 110 Federal Reserve Bank presidents since 1913. This pattern of discrimination is disturbing to say the least," said Chairman Gonzalez.

"I urge the Administration to cast a wider net when it considers candidates for Federal Reserve Governor. If yet another white male is appointed, it could be years before he vacates that spot. In the meantime women and minorities are left to wait on the sidelines," he said.

"I am concerned that efforts to find competent individuals with unique perspectives and backgrounds essential to the development of monetary policy for a diverse country will be jeopardized by limiting potential candidates to only certain professions," Chairman Gonzalez wrote to the President.

"The sad truth is the Federal Reserve is an old boy's club whose members are either bankers or friends of bankers. I believe the FED's monetary policy decisions are made more out of concern for its banking constituency than for the average American. While some in the banking industry salivate over the thought of achieving 'zero inflation,' for the working man or woman this could mean an increase in unemployment. I find the FED's lack of sensitivity and compassion disturbing," said Chairman Gonzalez.

"Numerous sectors of our society never get their voices heard at the FED. This is why I am urging the President to consider appointing future Federal Reserve Governors from the ranks of labor, small business, agriculture, consumer and community groups. A different perspective at the FED is long overdue," Chairman Gonzalez said. "Remember, it was the bankers at the FED who in the early 1930s so tightened the money supply that it helped make the Great Depression a reality. Apparently, no one at the FED cared that the man on the street was asking, 'Brother can you spare a dime?'"

"The country has changed tremendously since the Federal Reserve was established in 1913 when depression and unemployment were not major considerations in setting monetary policy. Today the country's economic recovery is nascent at best and unemployment continues to rise. Whomever the President appoints as a Federal Reserve Governor must be cognizant of the impact his or her decisions can have on the average American. To do any less would be irresponsible and possibly damaging," Mr. Gonzalez said.

"Because price indices, which measure inflation, are so inaccurate, we need individuals who will not panic when the inflation rate is 2 percent or less, as it was for 1993. By immediately shifting to slower money growth, this panic attack can cause the money supply to again, stagnate. We need individuals who have an objective of long-term economic growth," Chairman Gonzalez said.

"I urge President Clinton to consider appointing someone who represents America as we know it today. It is imperative that any candidate be a free thinker who is willing to stand up for what he or she believes so as not to get swallowed up by the FED's 'old boys network' with its traditional disdain for public accountability and cult of secrecy."

[From the U.S. News & World Report, February 14, 1994]

GREENSPAN GOOFS AGAIN

(By Mortimer B. Zuckerman)

Federal Reserve Chairman Alan Greenspan is at it again. He played a key role in prolonging the recession on the '90s by obstinately refusing to recognize that the slide had begun and interest rates needed to come down. When the Fed did belatedly reduce rates it was too little, too late. Rates never fell to the level they did in the 1973–76 recession when nominal short-term interest rates were actually lower than inflation.

Now, just as the economy is beginning to recover, Greenspan declares that he will hike short-term rates to restrain growth. Never mind that there is high unemployment and slack in the economy. Yet again the economic realities are subservient to the inflation neuroses of the Fed. Of course, inflation must be fought—when we have it. But when the Fed tilts at phantom inflation, subpar growth or recession continues, wasting billions of dollars in idle material and human resources.

Greenspan grudgingly recognizes that we are indeed not experiencing inflation. He rests his case on what he calls "inflationary expectations." The theory is that the squeeze must begin soon or it will have to be harsher later on. He believes that "real" short-term interest rates are abnormally low. To calculate "real" short-term rates, he proposes to subtract from nominal rates not real inflation but this curiously subjective

notion of "inflationary expectations." Since Fed fund rates are at 3 percent and the stated inflation is 2.7 percent, we can only assume that he judges "inflationary expectations" to be higher than real inflation rates, thereby justifying higher short-term rates, his weapon of choice to slow down the economy.

Greenspan's ghost has little substance. First, most acknowledge that the government's measure of inflation, the consumer price index (CPI), overstates price increases. It does not adjust fully or price hikes that reflect improvements in quality. Nor does it adjust for consumers' changed priorities. Goods and services in the CPI basket are weighted using decade-old household spending patterns. For example, some of today's most widely used items, lime home computers, have fallen dramatically in price, but this is not reflected in the CPI. The CPI's fixed weighting also ignores the fact that consumers often buy private-label and discount goods when big-name brands become too expensive. Even the Fed acknowledges that the CPI may be up considerably less than the published 2.7 percent rate.

Does the 5.9 percent GDP growth for the last quarter of 1993 change the outlook for inflation? Hardly. Capacity utilization has not approached the "flash point" that has signaled inflationary pressures in the past. Unit labor costs, the dominant long-term influence on prices, actually dropped about 2 percent last year because of higher productivity, and this trend will continue because of downsizing and efficient new technologies that enable fewer employees to produce more. Commodity prices have barely moved up. Indeed, the price of oil has been dropping in recent months and will remain low through much of 1994.

There is no sign of a tightening labor market that would presage higher wages. Unemployment has been underestimated by government numbers. The just revised unemployment rate, which stood at 6.7 percent in January, assumes a suspiciously large improvement in part-time work and self-employed personnel—a euphemism for recently fired white-collar workers who are scrambling for consultancies. So total employment remains soft.

Finally, recent growth simultants, like home building and consumer durables, could falter with higher interest rates. The fourth-quarter surge, moreover, was powered by the special inventory buildup in vehicles and the recovery from Midwest floods—one-time happenings. Besides, the deflationary impact of the spending cuts and tax cuts enacted last year has not yet taken its toll.

The Fed would have been better off sitting on its twitching hands. After four years of subpar performance, the economy—and the American people—deserve a break. The president and Congress did their part through dramatic reductions in the budget deficit. Now, it's time for the Fed to do its part by keeping interest rates low.

TO PRESERVE VA'S FLEXIBILITY IN MEETING ITS MEDICAL WORK FORCE NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I am introducing a bill, H.R. 3808, that would provide VA flexibility in meeting the workforce needs of its health care system. The bill would also give the Secretary the necessary flexibility to meet his responsibilities in providing medical care under national health care reform.

Mr. Speaker, the Administration's Health Security Act, H.R. 3600, reflects a serious, meaningful effort to address the needs of our Nation's veterans. The act would require that VA health care facilities establish and operate health plans as part of national health care reform, and that VA health plans would be enrollment options for veterans.

H.R. 3600 would have the effect of reforming VA's health care eligibility by entitling its core beneficiaries to the comprehensive benefits provided all Americans under the act. Those core VA beneficiaries—primarily lower-income and service-connected veterans—who enroll with a VA plan would receive needed services without cost-sharing obligations. Under current law, most of these veterans are not now eligible for routine ambulatory care. Entitling enrollees to a benefits package that generously covers preventive and primary care is among the many aspects of the act which will require substantial changes in the VA health care system. VA must change its delivery capacity, organizational structure, accounting and other systems, and even its culture, to operate effectively within a framework of managed competition.

It had been my belief that VA medical facilities could compete under the framework proposed by the act. I am deeply concerned, however, that the veterans' provisions of the Health Security Act, and the hopes veterans have invested in it, are jeopardized by deep employee reductions proposed for the Veterans Health Administration as part of the administration's Federal workforce reduction. As imposed on the VA health care system, these are arbitrary reductions. By their nature, they rob the VA health care system of the very flexibility it will need to make health reform work. It is ironic and troubling that while the President's Health Security Act would specifically vest VA managers with broad flexible authority to hire needed health care personnel, his Office of Management and Budget would render that provision useless by subjecting the Veterans Health Administration to a reduction of more than 20,000 employees over a 5-year period.

Rather than empowering VA facility directors with tools to make VA a cost-effective participant in health care reform, as proposed under the act, the administration—by imposing its workforce reduction policy on this Federal health care system—would require VA medical facilities to make staffing cuts that bear no relation to the operational requirement of providing care to entitled enrollees. Compelling VA's hospitals, clinics, and nursing homes to downsize before they can assess the needs of the patients who will enroll and seek care in those facilities under national health care reform weakens that system's ability to compete, and ultimately disserves our veterans.

Even if the Congress fails to enact health care reform legislation, imposing these employment reductions on the VA health care system is bad public policy. Years of tight budgets have trimmed the VA health care system of whatever administrative fat may have existed in the past. Employment reductions of the magnitude proposed cannot be sustained without eliminating thousands of nurses, doctors, and other essential hands-on-care personnel. Since such critical functions cannot be eliminated, VA will be forced to meet these workforce needs through contracting—often a far more costly avenue.

Because of these deep concerns, I have developed legislation to give VA flexibility to meet its workforce needs. In place of OMB's workforce reduction directive, the bill would free VA to meet those workforce needs as most appropriate and cost-effective—whether through employment or contracting. To give VA the flexibility I think is needed, my bill would establish two key policies. First, it would provide that during the period October 1994 through 1999, no reduction may be made in the number of employees in the Veterans Health Administration other than as specifically required by law or by the availability of funds. Second, it would ease limitations in current law on contracting out activities currently being performed by employees at VA health care facilities. It should be clear that the bill does not dictate the manner in which VA should meet its workforce needs. To the contrary, in the spirit of reinventing government it aims to free VA to carry out its critical health mission through whatever mix of employee and contractor workforce best meets its needs.

Mr. Speaker, I would hasten to reassure my colleagues, with respect to concerns about the potential impact of a provision that removes limits on contracting-out, that the bill provides protections for employees not now provided for under existing law. It would require that in any such contract-out situation the VA must require the contractor to give priority in hiring to any displaced VA employee, and provide such displaced employees with all possible assistance in obtaining Federal employment or entrance into job training and retraining programs.

I believe it is essential that VA not be forced to make substantial reductions in health-care staff at a time when we are about to consider an administration proposal designed to allow VA to compete with other providers under health reform. I will seek to have this legislation reported to the House as soon as possible.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 16 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1602

AFTER RECESS

The recess having expired at 4 o'clock and 2 minutes p.m., the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending

business is the question of approving the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 235, nays 147, not voting 51, as follows:

[Roll No. 14]

YEAS—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meek
Menendez
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Woolsey
Wyden
Wynn

NAYS—147

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bliley
Blute
Boehlert
Bonilla
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Penny
Petri
Porter
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Saxton
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—51

Bateman
Bilirakis
Boehner
Boucher
Brown (CA)
Bunning
Burton
de la Garza
DeFazio
Dornan
Fields (LA)
Fields (TX)
Ford (TN)
Gallegly
Gejdenson
Gibbons
Gutierrez
Hamburg
Hastings
Hayes
Hobson
Hunter
Jefferson
Kaptur
Kingston
Laughlin
Meehan
Mfume
Molinari
Neal (NC)
Parker
Payne (NJ)
Pelosi
Portman
Price (NC)
Pryce (OH)
Ridge
Ros-Lehtinen
Roukema
Schaefer
Sharp
Slattery
Smith (OR)
Talent
Thompson
Torricelli
Valentine
Washington
Williams
Wise
Yates

□ 1630

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, due to the weather I was unavoidably detained in my congressional district in Maryland today, Tuesday, February 8, 1994, and missed rollcall vote No. 14, on approving the Journal of the previous day's proceedings.

Had I been here I would have voted "yea."

ORDER OF BUSINESS

Mr. MOAKLEY. Madam Speaker, I ask unanimous consent to transpose my name in the Special Order Calendar with the gentleman from Michigan [Mr. BONIOR]. I do this with the concurrence of my colleague, the gentleman from Michigan.

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRIBUTE TO THE LATE HONORABLE THOMAS P. "TIP" O'NEILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 60 minutes.

Mr. MOAKLEY. Madam Speaker, I have taken out this special order today in honor of the memory of my dear friend, former Speaker Tip O'Neill.

Madam Speaker, I wanted to take this opportunity to give my colleagues in the House a chance to pay their respect to the memory of this great man who so loved this institution. Tip O'Neill was a special breed of public servant. Nothing made this clearer than the thousands of people who waited in line in freezing temperatures for several hours to say goodbye to this man of the people.

Many say that we will never see the likes of Tip O'Neill; that he was the last of his kind. I hope that this is not true. We need now, more than ever, the compassion, the caring, and the dedication that was part of him throughout his entire political career.

As I have said before, we will all miss him, but we are richer for having known him.

Madam Speaker, I yield to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Madam Speaker, I welcome this opportunity to say a few words in memoriam of Speaker Tip O'Neill. Some Members here are aware, others may not be, that I was the last person to be sworn in as a Member of this House of Representatives by Speaker O'Neill before he retired.

I was under a rather trying circumstance in 1986, when I won a special election and was not nominated in the primary. As a result, I came to the Congress in late September 1986, not knowing whether I would arrive here in time from Hawaii even to be sworn in before the Congress went into recess and adjourned.

I stood in this well just before this podium on that day in 1986, an historic session, sanctions on South Africa, a tax bill that had been discussed and discussed again and again all throughout the year.

It turned out that the Congress went on for almost a month. In other words, Madam Speaker, I enjoyed, at that time, one of the shortest tenures in the history of the Congress, scarcely 3 weeks.

The Speaker had been here for more than 3 decades.

And as the last person to be sworn in before he retired, we developed a special relationship. He literally took me under his arm. Obviously, I am a lot shorter than he was, although almost as broad. And we sat in these chairs.

He was down on the floor quite a bit. And he said, "Pal, let me explain what is going on here."

And I felt that right away, that I was his pal, that he was looking out for me.

He said:

Neil, whether you have served here as long as I have or for as short a time as you will be serving here, we don't know whether you will be coming back, and I hope that you will,

He said:

You are a Member of the House of Representatives. No matter what your length of service, the free men and women of your district have chosen you to represent them and to uphold and defend the Constitution of the United States.

And he said:

Don't ever forget that every Member, every man and woman who has come here, over all the 200 years of our Republic, have come to represent freedom and that this House, this House is the people's house. You can only come to this floor and be sworn in, if you are elected by your constituents. You can't be named to it. You can't be assigned to it. You must come by election. This is the people's house.

I was never more proud, I was never more aware, never more cognizant, Madam Speaker, of my responsibilities and obligations as a citizen of the United States than when I was sworn in by Speaker O'Neill. So I also had the high honor and privilege, on the last day of the Congress, to be sitting in the chair, Madam Speaker, that you are sitting in. That is to say, the chair that was there at the time, because one of the things that we did in honor of the Speaker, when he retired, was give him that chair.

So not only was I the last person to be sworn in, but I had the honor of being the last person to occupy that chair before it was given to Speaker O'Neill in honor of his long years of service.

So we had a picture taken, just before I left. I asked the Speaker if he would make this sign with me in that picture. And he said, "What is that?"

I said, "Well, out in Hawaii they will know what it means." I said, "This means everything is okay. Everything is easy. Everything has been done. You are in good hands. We are all pals. We are together."

He said, "Are you sure? Am I doing it right?"

I said, "You are doing it just fine."

He put a big grin on, and he gave what is called the shaka sign. You probably have seen it on television various times from people from Hawaii. They are always doing it.

That is the signal back to everybody in Hawaii that everything is okay.

He said, "Are you sure this is right?"

I said, "They will understand what it is back in Hawaii, Mr. Speaker."

And he said, "You are learning, kid. All politics is local."

That was the Speaker. Yes, all politics is local, just like his last book. I did not have the opportunity to have him sign it. I brought it with me from Hawaii in the hopes that he would. And of course, he passed on before he had the opportunity. But just as the Speaker taught us all politics is local, I also know that in politics, all love and affection is personal. And if there is any person who ever exemplified love and affection in politics, it is Speaker Tip O'Neill.

"Mr. Speaker, wherever you are, we are remembering your lessons and you have our love and affection."

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Hawaii for his words for Speaker O'Neill.

I now introduce a dear friend of many years of the Speaker, the chairman, the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Madam Speaker, I rise today to pay tribute to my long-time friend and very outstanding former colleague, Thomas P. "Tip" O'Neill.

Tip and I served together for many years in the House Democratic whip organization and I supported him for majority leader and Speaker. I always enjoyed his friendship and I miss him very much. As you know, Tip had thousands of friends, but he always made you feel like you were a close friend and very important to him.

Tip O'Neill was a true man of the people. He loved people and people loved him. He was particularly close to those he represented in his district in Massachusetts. My wife Lou and I once went to a restaurant in Boston that Tip had recommended. When I told the waiter that Tip O'Neill had sent us, the manager came out to meet us. They showered us with attention because we were Tip's friends. They just couldn't do enough for us. I'll never forget that.

Tip O'Neill was a master at sizing people up and understanding what they were capable of. I think this insight contributed a great deal to his success in politics. He was equally at home with heads of state and with the man on the street. He did a great job when it came to dealing with dignitaries and he rubbed shoulders with the most important people in the world. But, to Tip, the most important people in the world—besides his family members—were average Americans. He really cared about them.

One of my young constituents who uses crutches to walk tells a story about meeting Tip O'Neill one day at the U.S. Capitol. Tip came up behind my friend and asked him if he needed any help getting up the steps. He didn't just walk on past as many people would have done. He walked down the hall with my constituent and they talked about some of the topics of the day. This chance encounter made a lasting impression on that young man from my district. He realized that Tip O'Neill saw him as a person.

We all have so many stories about Tip O'Neill—telling them all would take many hours and fill many volumes. He was simply larger than life and we loved him for it.

Suffice it to say that Thomas P. "Tip" O'Neill did an outstanding job representing his district and an outstanding job representing our Nation.

He was a great ambassador and above all, a great American. Our lives are better for having known him.

□ 1640

Mr. MOAKLEY. Madam Chairman, I yield to the gentleman from Texas, HENRY GONZALEZ, from the Committee on Banking, Finance, and Urban Affairs.

Mr. GONZALEZ. Madam Speaker, the great State of Massachusetts has produced a vast number of great and distinguished public servants—great leaders who have served this country well from its colonial founding, through revolution, civil war, insurrection, world war—through every crisis, this country has found among its leaders the sons and daughters of Massachusetts. Speaker O'Neill was just such a leader.

Thomas P. O'Neill was a politician in the finest sense—a devoted, dedicated, honest, and humble public servant, courageous, decent, and self-effacing, gregarious, possessed of a fine wit, and above all, one who never forgot from whence he came nor whom he was elected to serve—the ordinary people who elected him, depended on him, and who loved him.

Tip O'Neill lived by a credo that was something like this: The moral test of any government is how it treats the most vulnerable; the children, the elderly, and the poor. He never lost sight of that. In his great struggles in the House, he worked first to create the programs and policies that aimed to alleviate distress and cure social ills and redress injustice. Then he worked to preserve those programs against the reactionary and socially disastrous policies of the Reagan era. But no matter how bitter the contest nor how difficult the fight, Tip O'Neill always conducted himself with decency and honor. He had respect for the institution he served, and for the people he served—a respect that grew from the sure knowledge that his constituents came first, and whatever he did reflected on them and served them well or ill. Tip never

forgot his district, never failed to serve it well and with honor and integrity.

Tip came from a city of great public servants, a city that more than any other in America can lay claim to historic leadership—the city of Harvard, of MIT, and of great medical institutions. It is the city of Fanueil Hall, of Old North Church, the home of Hancock and Adams, of Revere and many, many others. He came from a city whose public servants include another great Speaker, McCormack, and familiar, distinguished names like Fitzgerald and Kennedy and Boland and Moakley—and many, many others. There never was a finer politician, in the most honorable sense of the word, nor a more accomplished one, than Tip O'Neill.

I doubt that anyone, save Tip himself, could tell us how many were his achievements—but I suspect that to him, it was just as important to be sure that Mrs. O'Leary got a decent place to live in, or Mr. Kerry got a job, or that an unfortunate kid got a break and stayed in school—as it was to win the biggest vote on the toughest issue. He was from the people, he knew and respected them, loved them and served them, always, every day, in every way that he could. Public service to him was real, and it was just that, service.

He was also a servant of the House. Every Member knew that the Speaker's door was open, that he cared about them and for them. He listened, and even if he couldn't help, you knew that he'd done his best. Tip had no enemies, only friends.

This House has been blessed with many great Members—none finer, none more loved, and none more missed than Tip O'Neill. There he is, in some celestial game with his pals, with a big cigar and hearty laugh and some fine old story, and looking down on us, reminding us how privileged we are to serve here. Tip, if half of us do half as well as you, the country need never fear.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Texas for his remarks.

Madam Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding me this time, so we might reflect for a few moments about Tip O'Neill. I would imagine that outside of Tip's immediate family, his passing brought no one more grief than the gentleman from Massachusetts [Mr. MOAKLEY], because of his personal closeness to Tip O'Neill over the years. This has to be a moment of mixed emotions for you, gladness at seeing and hearing us celebrate Tip's life, but also sadness at realizing he is gone.

Madam Speaker, I have had the privilege of serving in the third district of Kentucky for the past 24 years, and during a large part of that time I served with Tip O'Neill, both as our whip and as our majority leader, and then as our Speaker. I had a chance to observe Tip when he was really among us and then when he was our leader.

At no time, Madam Speaker, did Tip ever show anything other than true interest in our well-being as Members. He never failed to show pleasantries to us, and to be cheerful and to be optimistic, and to be a person with the ability to weave humor into any kind of a relationship, and to weave humor in any sort of situation.

Many times, from where I am standing in the well and from where the gentlewoman from Texas, [Ms. EDDIE BERNICE JOHNSON] is presiding, I have observed Tip many times, with that wonderful ability to disarm people and to charm them, and to, as we say back home in Kentucky, pour oil on troubled waters and calm everybody down. I observed that many times, and particularly, Madam Speaker, I observed that when Tip came to Louisville to help me in one of my reelection efforts.

Down on Main Street, which is the older part of our town, which has been beautifully restored, like Fanueil Hall and the beautiful part of your home town in Boston, Tip came to a place we called Stairways, which is a renewed building, and to say the absolute least, all my friends showed up and Tip was the star of stars. Tip, just by his very persona, and by what he said and how he said it, and by that charm and by that wit and by those Irish stories, Tip just put everyone at ease and made everybody very happy, and obviously helped me in my reelection effort.

I guess that was the closest that I have really seen Tip away from this area, away from the House, his wonderful home. If I ever saw Tip reflecting what he so often said, that "all politics is local," and he is going to be revered for many things, but not the least of which is the way he could create phraseology that illustrated things.

He always would say, "All politics is local." What we mean by that is that everything we do here has a relationship to the people. Everything we do relates to people, not in a global sense, but in a very particular sense. I saw Tip working that beat, and certainly all politics is local. I have always tried to remember that and make sure that people who were of a mind to send me here, and whom I am honored to represent, achieve and have the fullness of my service.

I remember having served on the initial panel of intelligence under Eddie Boland, who, along with Tip, were great friends, of course, and roommates until Tip became Speaker and Millie came down from Boston.

In that setting, or course, we always heard the great stories about what was in that refrigerator in that apartment, and it was not a lot of gourmet food, let me put it that way. For those two people, whenever I see Jack Lemon, I guess it is, and those actors, I always think of the odd couple. I think of Eddie Boland and Tip O'Neill.

□ 1650

And then once, Mr. Speaker, I was at Notre Dame, my alma mater, for believe it or not, a Boston College game, one of the times when the Irish beat the Eagles. They did not do it, of course, in 1993, which cost the Irish the national championship. But I remember vividly being there, and coming out of Notre Dame Stadium at twilight at the end of an autumn afternoon. The Irish were behind and came back at half time to defeat the Eagles in a very tight game. When I came back I could see this big, long limousine kind of come pulling up with darkened windows like you see in Beverly Hills or in New York City, and zoom, down goes those windows, and out comes one Irish face and one Italian face. And it was Tip O'Neill and Sil Conte. And of course, we all remember our late departed friend from another part of Massachusetts, Sil Conte. And we were talking and having so much fun, and I could just see how Tip enjoyed life. Even though the Eagles had lost, Tip was having a great time. And there he was, and he offered to give me a ride downtown, which I did not need because I had the car there. And it was really wonderful to see those two fellows who were such great friends, different sides of the political spectrum, different sides of the aisle, different parts of Massachusetts, different vintage, different nationality, but they had a commonality about them which is that they both did recognize what we do here, which is to make laws for people and to try to serve the people.

So, Mr. Speaker, I have many, many fond memories of Tip. I have the highest reverence for him as a person, and he will be very widely mourned not just by us, his colleagues, but by this country and by the world, because he was a rare human being and a rare parliamentarian.

I appreciate the gentleman giving me a chance to share my reflections, and I would take this opportunity to extend to Millie and to the family my condolences and my expressions of regret at the passage of this great man from our midst, and to wish them well. And also to say Tip, who as an earlier speaker said, is watching over us right now, Tip, you said it right. All politics is local.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER] the chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I thank the distinguished chairman of the Rules Committee, dean of the Massachusetts delegation, and one of Massachusetts' finest sons for yielding.

Massachusetts is a State that I have known well over the years. I went to school there as a 6-year-old and 7-year-old. I lived there during most of my summers while I was young, and I owned a house there until 1989. So I feel that I am very much a part of Massachusetts.

Mr. Speaker, I rise today to join so many of my colleagues, led by members of the Massachusetts delegation and its dean, in paying tribute to one of the finest Members to ever serve in the people's House, our former Speaker, our friend, our counselor, our adviser, our political leader, Thomas P. Tip O'Neill.

I first ran for Congress in 1981 in a special election. It was the first election contest since Ronald Reagan was sworn in as President, and many were looking to that race to see if the Reagan revolution was a reality. The national media were clamoring over every word that was uttered on both sides, and the hierarchy from within the Democratic Party as well as the Republican Party came out to Prince Georges County. Obviously, members of the Democratic Party came to campaign for me.

Tip joined me at one of these events, and to that degree I qualified with probably many hundreds of Members over the years who asked Tip O'Neill to come to their districts, who asked Tip O'Neill to shed a little of that Irish magic on the heather in their fields, who asked Tip to come and say to the constituents who knew that Tip cared for them, each and every one, to say that BILL HUGHES, or STENY HOYER, or JOE MOAKLEY cared as well. And we knew that if he did that it would have an effect, because the people perceived him correctly to be honest, sincere, and committed to their interests.

My soon-to-be constituents were starry-eyed, very frankly, that the Speaker of the House of Representatives would leave his very important duty and come out and talk to them. and he did, just like he was one of them. And in fact, of course, his secret was that he was very much one of them. And because the voters are very smart people, they knew that, they felt it, and they accorded him the credibility that that status merited.

During that brief 90-day campaign of which I speak Tip told me, like so many of us here, the story of his neighbor from his first campaign, Mrs. O'Brien. And all of us remember that when he said that he had delivered papers to Mrs. O'Brien, he had cut Mrs. O'Brien's yard, he had been to her house for milk and cookies, he had known her all of his life, and when it came to the time that it was the close of the election he went to Mrs. O'Brien and he said, "Mrs. O'Brien, I thank you for your vote." And she said, "Tip," as I recall the story, "I didn't vote for you." "How could you not do that, Mrs. O'Brien? You have known me all your life. You know who I am." And she replied, "Tip, it's nice to be asked."

Of course I think every one of us have heard that story, and it is one of those simple but very cogent vignettes that Tip O'Neill told all of us and the Nation in projecting that all politics is local, his famous phrase. And of course, that is true, because ultimately the genius of this system is that districts of about 600,000 select one of us to come here and to represent their views and to make sure that the local perspective is written large in Washington through their representatives. And Tip knew that I think better than any of us, and he taught us well.

I think every person who ever worked with Speaker O'Neill has a favorite story to tell of how Tip touched them personally, taught them a lesson, or influenced the way they thought about the political process. None of us, however, I think will ever be as funny, be as warm, or capture as well the essence of Tip O'Neill as did our friend and colleague, JOE MOAKLEY, in his moving eulogy of his friend Tip at the funeral in Massachusetts.

Mr. Speaker, Speaker O'Neill had the unique ability to be a leader among men. No matter where he was, who he met, or what he said, he always remained himself, and spoke words of wisdom to be remembered by future generations. In the final chapter of his book, "Man of the House," Tip writes of what he believed. He said:

> I believe that every family deserves the opportunity to earn an income, own a home, educate their children, and afford medical care. That is the American dream, and it's still worth fighting for.

If Tip were here today he would be fighting shoulder to shoulder with the President for health care for everybody that is always there.

□ 1700

Today all of us in this Chamber and throughout the country still fight to make this dream a reality.

As Tip looks down upon us, and it is interesting how many of us have used that phrase, Tip looking down upon us, I think we are all very cognizant that Tip is watching and Tip knows all, because we have had that experience through our careers in relationship with him, we begin once again to debate the reality versus the rhetoric of making the American dream real for all our people.

In honor of Tip's legacy, let us get on with making his American dream for all his fellow citizens come true.

Mr. MOAKLEY. I thank the gentleman from Maryland for his wonderful statement about Speaker O'Neill.

Now, Tip used to tell a lot of jokes and a lot of them were on himself.

Tip was the greatest known golfer, but he was by far not the greatest golfer. In fact, when you are Speaker, they say you do not need a putter, because as soon as you get on the green, it is a gimme.

But he tells the story about the time he was golfing with Lee Trevino, and they came to a water hole that was a par 3 hole. The Speaker reached in his bag and got an old, cut-up ball and put it down and started to hit it, and Lee says, "Mr. Speaker," he says, "already in your mind you have hit that ball in that water. That is why you took out the worst ball in your bag." He says, "Put that ball back and take out the best ball you have got in your bag." He does, and he takes out a brandnew ball. He says, "Now, before you hit it, just take one practice swing." So he takes a practice swing. He says, "Fine, Mr. Speaker," he says, "Take one more practice swing." He takes one more practice swing. Lee says, "Tip, put the ball back and get the other ball."

But this is a story that Tip would tell on himself, and most people would like to tell everybody what great golfers they are, but Tip loved golf. It kept him young. It kept him going. It gave him a chance to get some exercise, meet his friends, and talk with a lot of people. He just would get out to play golf anytime he could, and I am glad that he was able to right up to the end participate in the sport that he loved so well.

I yield to the gentleman from Texas [Mr. PICKLE], a dear friend of the Speaker.

Mr. PICKLE. Madam Speaker, Tip O'Neill was one of the warmest, best liked Speakers that we have ever had. He was a real people person. Warm, friendly, kind, and understanding, Tip showed great compassion and dedication to public service. He liked to admit that he was a politician and "proud of it!" Every Member of Congress who ever served with him respected him, including Republicans. He was their target, but they knew he would fight fair, and they respected and loved him for it. When I was first elected to Congress, Tip O'Neill's office was directly across the hall from mine, and we have been close friends since 1963. Here are some of my recollections.

First, he made time for everyone and anyone—no matter who they were or what their station. I remember the time he came over to autograph the old pump organ that stands in the corner of my office. He did not just rush in, sign the organ and rush out. He stayed to swap stories and tell jokes with my staff. Here was the Speaker of the House using his valuable time. But he did not quit there, he then posed for pictures with the staff, which were later returned hand signed in gold ink for each of them. They were star struck but I told them that was just Tip.

Second, I remember the time I had some folks up from the district. One of the constituents was a minister here to

lead the Congress in the opening prayer. After the opening of Congress, the Speaker invited them into his office to visit and to show them the historical items he had on display there. Later when we all returned to my office, I asked how they had enjoyed meeting the Speaker of the House. The wife responded gleefully that he was just like a big Teddy Bear and that he had given her a big hug when they left. She also told me she had taken something from his office as a keepsake to always remember him by. I could not imagine what she might have taken from his office, and asked if I could have a look at the item. Sheepishly, she opened her purse and unwrapped a kleenex to reveal the chewed up stub of the Speaker's cigar. She admitted having taken if off the fireplace mantel where he put it down while telling them stories about the history of his office. She said "Now people back home will believe me when I tell them I hugged Speaker Tip O'Neill." I do not know if the Speaker ever realized what happened to his cigar, but I am certain it is still safely put away as a keepsake; and it has made some good stories for the wife of a minister back in central Texas.

Third, when Tip O'Neill visited the LBJ School of Public Affairs in the seventies we held a reception for him in the great library hall. At the end of the ceremony, we played "The Eyes of Texas" for him. As we all raised our Hook 'Em Horns sign, Tip did his best to form his big, fat fingers into a Hook 'Em figure, and he finally did, but with great difficulty. I have that picture of Speaker O'Neill and UT President Lorene Rogers on my office wall—it is great.

That evening, the chancellor of the University of Texas, Hans Mark, held a reception for Speaker O'Neill at the Bauer House, the official residence of the University of Texas' chancellor. Members of the faculty, regents, and outstanding UT alumni all over the State were invited. I asked Lawrence Olsen, my former press secretary, to drive Speaker O'Neill to the Bauer House in time for the reception line and the party. When Lawrence reached the hotel, Tip was still in his boxer shorts watching a Boston Red Sox game. Lawrence happened to be a Red Sox supporter, and they began to talk about the Red Sox. That must have gone on for an hour because the Speaker was late to the Bauer House by nearly an hour. I fussed at Lawrence because of the delay. He sheepishly said, "Well, Tip wanted to talk about baseball!" The Speaker knew his Boston Red Sox and he knew his baseball like an expert. At that time, he would rather talk about baseball than stand in a receiving line.

Fourth, when I served as chairman of the Social Security Subcommittee, working on a bill to revamp Social Security, I was constantly refereeing partisan politics concerning the volatile Social Security Program. Democratic leaders were not only looking for ways to make the program solvent, but they also wanted to put President Reagan on the defensive. Speaker O'Neill was prevailed upon by his friend, the great Claude Pepper, and other Social Security leaders to maintain the same age for retirement that the oldline Democrats wanted to keep. Naturally, Speaker O'Neill called a leadership meeting with the Democrat where Tip asked probing questions about the program and how we should proceed. Actually, he was simply learning facts to formulate his own policy. He plowed through the same questions my committee had discussed over and over, and on which we had already adopted a policy. I felt like I was climbing up the same hill again! At the end of the meeting, Tip asked if I thought this meeting was helpful, and I told him the meeting reminded me of LBJ. When a member of LBJ's staff had made a big mistake and had fouled up a program, LBJ would say to them, "I want you to take the rest of the afternoon off and enjoy yourself. You have helped me as much today as I can stand." Tip laughed and broke up the meeting, and later he told me that it was a good meeting. But we all learned how to proceed and did the right thing. That was Tip O'Neill's way to reach a consensus and to produce good legislation. He was a master of working with people.

Fifth, when Boston College played at the university, a few years back, I tempted Speaker O'Neill to visit the Manchaca Fire Department's dedication of a new fire truck. As we climbed atop the fire truck in the presence of Governor Ann Richards—then county commissioner—former Mayor Carole McClellan, Judge Mary Pearl Williams, and Cathy Bonner, Tip kept waving at the crowd, but as he dismounted from the truck, he leaned over to me and asked, "Geez Jake, where did you get all these good looking babes?" Tip reminded me of our beautiful city and beautiful women for many years.

Sixth, to comply with a possible television broadcast request, Tip agreed to participate in the rendition of "Apple Blossom Time" in honor of his wife Millie. He admitted that he used to sing "Apple Blossom Time" to Millie during their courting years—and Tip was not bad. It was a sweet, nostalgic performance.

Last, at the general gatherings in Washington, Tip would tell certain stories over and over again. There was one about "I was a stranger and Ye Took Me In." There was another about Robert Redford who mistook Tip for a famous man and another about "You are looking for Murphy the Spy." We Members would sigh deeply that we were going to hear those same stories again. Tip always reminded us that we may have heard that story, but the crowd had not. He had learned to tell a good story and was good at it—the best we ever had in office. Politicians learn how to tell the good story—and we all use them over and over. We used to threaten Tip by advocating a banquet where Tip had to come and listen to his own stories.

Tip O'Neill was an excellent legislator, but he also was a genuine, warm, congenial friend.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Texas very much.

Continuing along with what the gentleman from Texas [Mr. PICKLE] was saying about the stories that Tip told, and that Henry Ford story was a classic, Tip bumped into Danny Thomas one day, and he says, "Danny," he says, "I've got some great jokes, but I've been telling them so long," he says, "everybody that I meet has heard them." So Danny says, "Let me hear them."

□ 1710

So he heard them. He says, "They are pretty good, Tip; just change your audiences more often."

Sinatra, you know, does not change the songs he sings; he sings the same songs. But evidently you cannot do the same with jokes.

Madam Speaker, at this time I would like to yield to the gentlewoman from Connecticut, Ms. DELAURO, for a few words on Tip O'Neill.

Ms. DELAURO. I thank the gentleman for yielding to me.

Madam Speaker, one of the few regrets that I have in my life is that I never served in the Congress with Speaker Tip O'Neill. When I was first elected in 1990, he was 4 years into retirement. But, while he may have retired, he was never retiring. And, those of us who had the pleasure of knowing him will always remember his zest for life, his love of friends, and his unfailing humor.

When I first ran for Congress, Tip O'Neill came and campaigned for me. It was then that I discovered that though he was gone from politics, politics was not gone from him. And, he had valuable lessons to teach an eager pupil, like myself. But, each lesson started and ended with his now-famous one-line motto: All politics is local. He lived by those words and that is what made him the quintessential politician.

He came up to campaign for me for my second campaign. At that time he said to me, "Darlin', I am not going to do very many of these, but I am going to come up to New Haven for you. But I want you not to be taking me to too many places because, you know, I am getting old." Well, it was a wonderful, wonderful visit that we had in that campaign. Those campaigns and his visits, I will never forget.

His accomplishments may be well known by most of us but they are still

astounding in their breadth: He held elective office for 50 years; 16 years in the Massachusetts Legislature and 34 years in the House; 10 of those years as the Speaker of the House. A young man from modest means who reached the pinnacle of political power in the greatest Nation on Earth—Tip O'Neill embodied the American Dream.

But, he embodied much more than that. He was a true lunch-pail Democrat. Never did the working man or woman have a better friend than when he served in Washington. His style was one that many have tried to replicate. But, few have succeeded. You see it came naturally to him. His Irish charm and yen for storytelling never failed to draw a crowd. Whether he was regaling us with stories of oldtime Boston ward politics or of his beloved Red Sox, how Tip O'Neill could spin a yarn.

There was another side to Tip O'Neill. He was a man of real principle. He wasn't afraid to vote his conscience even when it meant taking some heat from the people back home. He made the tough votes and through his decades of service earned the respect of the people of his district, his State, and his country. That respect was evident on the weekend in January when Tip O'Neill was laid to rest. Roughly 11,000 people braved subzero temperatures and 2 feet of snow to pay their last respects.

I was unable to be in Boston that weekend, as I was out of the country. But, if I had been the 11,001st admirer to say my final goodbye to Tip O'Neill I would have said this: "Thanks, my friend. You served your country with distinction. You were a wonderful husband, father, grandfather and friend. And, you have brightened our world with the glowing example of your life."

I thank the gentleman for yielding.

Mr. MOAKLEY. I thank the gentlewoman from Connecticut very much for her remarks.

Madam Speaker, at this time I yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Madam Speaker, first of all let me just thank the distinguished gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules, for taking out this special order to honor our great friend, Tip O'Neill. We are indebted to him for that.

Madam Speaker, I rise today to pay tribute to one of the true giants in American history, the late Speaker of the House, Tip O'Neill.

There is no one who I admired more throughout my political career than I did Tip O'Neill. He embodied everything that was good about politics and public service. Tip had a sense of right and wrong, and an understanding of politics, like no one I have ever known in my life.

I was very fortunate to have gotten to know Tip O'Neill during my first term in office, when he was serving as majority leader.

It was my privilege to vote for him as Speaker, and I think he was probably one of the greatest, greatest Speakers of this country.

His years in Government gave him the perspective and the political instincts which enabled him to see way beyond what most others saw occurring in the political arena. That is what made him so effective as a leader.

As a person, he was one of a kind, as some of my colleagues have said. On the outside he was big, and by stature he was gruff, and he was at times intimidating by stature, but on the inside he was a sweetheart of a guy. He took a personal interest in everyone's problems, from his constituents back home to his colleagues in the House and to those who came up to him in the corridors as he tried to move from office to office, from the office to the floor.

Tip made you feel very special as he talked to you. It was this enormous ability to focus on what somebody was saying that made him, I think, so great as a human being. He had a generosity that was second to none, and that, too, endeared him to all.

I will never forget the years that he came into southern New Jersey to campaign for me. I suspect that you could probably get 600 or 700 Members of Congress to come to the well and talk about their special visit with Tip in their district, and you wonder how he had time to help govern this Nation, but he found the time.

Tip knew that I represented a largely Republican district and that most of my supporters were business people and others who were generally more conservative than he was. As a result, he was always unsure what to say. I always told him the same: "Tip, just be yourself."

Invariably, it would take Tip all of 5 minutes before he had the audience eating out of his hand. He would start by pleading guilty to being a liberal and a big spender. Then once the audience got over that shock, he would explain to them what he meant: that he believed in spending more money on education, health care, senior citizens, cancer research, wastewater treatment facilities, and so many other programs that left us with something after we spent the money. And on and on he would go.

He would refer to some of the programs that we did not receive during the 1980's, and he would say, "You know, you could probably walk around your district and see many of the projects that I supported as a big spender that helped put people back to work and made everybody's life a little better."

After his speech, you could see them line up to shake his hand and tell him how much they admired him.

That is the Tip O'Neill I knew, a man who was generous, witty, true to his beliefs, and blessed with the natural instincts and attributes of a great leader.

There will never be another Tip O'Neill. His loss was a great one for our country, but his legacy will live on. And if I ever write a book on my retirement—and I intend to leave at the end of this Congress—there will be a special place in that book for Tip O'Neill.

I might say to my colleague from Massachusetts that just right before his death I saw Tip downstairs, coming out of the House physician's office. He was not well, and it was obvious. But the first thing he said to me was, "How are the Sullivans?" Of course, the Sullivans are from Boston, and Barry Sullivan is my son-in-law, as you know. And we have three beautiful grandchildren. Tip said, "How are the grandchildren, in particular?" That is the Tip he was, because he cared about everyone he knew.

His legacy will live on, and as he looks down on us, I know he has to be very pleased with the things they were taking up in this Chamber in this session of Congress—health care, all kinds of welfare reform and pension initiatives—because that is the Tip O'Neill who moved so many great things through this institution because he cared.

I want to express my gratitude to his wife, Millie, for sharing him with all of us for so many years and to wish her and her lovely family my heartfelt sympathy and the best of everything in the years ahead.

I once again thank the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman very much.

□ 1720

Madam Speaker, at this time I yield to the gentleman from New York [Mr. GILMAN] who was a companion of Speaker O'Neill, I know, on many trips when they were officially invited to participate in government events overseas.

Mr. GILMAN. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding to me and for arranging this special order so that we could pay tribute to a wonderful man. Madam Speaker, it is with a certain amount of remorse that I join my colleagues in paying tribute to one of the legislative giants of our century, indeed tribute to one of the greatest legislative leaders in the history of our Republic.

The passing of Thomas "Tip" O'Neill last month left a void which will not soon be filled. Tip was always so full of life, so determined, and so energetic, that most of us assumed he would always be with us.

I had the privilege of serving in the House with Tip O'Neill during the last 14 years of his career. For the last 10 of

those years, he was our Speaker. Despite the fact that he and I sat on opposite sides of the aisle, he never hesitated to offer sage advice, or a friendly handshake.

Some congressional observers have labeled Tip O'Neill the last of the old time politicians and, at the same time, the first of the new brand of political leaders. While his colorful style and strong convictions made him an effective congressional leader and a household word, his charisma and obvious charm and sincerity made him a hero for the television generation.

Tip was a man of the people who never forgot his roots. His father always admonished him to remember from "whence he came" and he always did. He always remembered his blue-collar background and his working class antecedents. Tip never forgot that these were the Americans to whom he owed his first allegiance.

Tip had politics in his blood when he first sought elective office at an early age. Losing his first race for the State legislature, he was surprised to learn that a long-time family friend and neighbor neglected to vote for him. When Tip asked why, he was told that he never had asked his friends for their votes—and that everyone likes to be asked. He never forgot that lesson, and he never tired of sharing that wise lesson with all of us.

Tip O'Neill had a framed adage on the wall of his office stating that "the main responsibilities of government were to three groups of people: "those at the dawn of life: our children; "those at the twilight of life: our senior citizens; and "those in the shadows of life: the ill, the needy, and the handicapped."

Even those of us who may have disagreed with Tip O'Neill philosophically on some issues could not dispute the soundness of his basic philosophy, just as no one could dispute that Tip was a man of rare integrity and intelligence.

In May 1983, I had the sad duty of informing the House of the passing of our former colleague, one of my predecessors, Mrs. Katherine St. George, who had represented my congressional district from 1946 until 1964. Much to my surprise, at the end of my remarks, Speaker O'Neill left the Speaker's chair and moved to the well of the House, where he delivered an impromptu moving tribute to the late Congresswoman Katherine St. George which was valued by her family all the more due to the obvious sincerity and spontaneity of this generous gesture.

The people of North Cambridge, MA—the people Tip O'Neill loved so deeply and so sincerely—first elected Tip to the State legislature in 1934, starting his 50-year career of public service. He remained in that body until 1952 becoming, in the process, the first Democratic Speaker of the House in Massachusetts' history. When his home congressional district became vacant in 1952, due to the U.S. Senatorial candidacy of the incumbent, John F. Kennedy, Tip O'Neill was easily elected to the House seat, and was easily re-elected every election until his voluntary retirement in 1986.

The love and esteem with which Tip was held by his constituency and by his family was shared by his colleagues on both sides of the aisle. Those of us who had the honor of serving with him will never forget him, will never forget his bear hugs, his warmth, his humor, and his sage advice.

To his widow, Millie, to his children, his grandchildren, and his many many friends and admirers, we offer our deepest condolences. To the Nation as a whole, Tip O'Neill has left his mark—and a tremendous legacy.

Mr. MOAKLEY. Madam Speaker, I yield to the gentleman from Ohio [Mr. REGULA], a friend of the Speaker and one of his favorite Republicans.

Mr. REGULA. Madam Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding to me and for taking this special order.

Madam Speaker, the second great commandment is to love your neighbor as yourself. Tip O'Neill lived this commandment each day as he built a distinguished career of serving people and caring deeply for individuals from every walk of life. We have all heard his famous remark, that all politics is local. I think he really meant that all politics is personal and involves caring for and loving his fellow man.

Madam Speaker, each of us can recount story after story of Tip's humor, his warmth in reaching out to people and his goodness as a human being.

Tip's remarks on leaving the Congress deserve to be repeated tonight. They are a legacy of respect for this institution that we might all reflect on as we serve. I would like to share a few of these comments by quoting from his speech, and Tip said, and this was in the CONGRESSIONAL RECORD on October 17 of 1986:

> If you go to any country, any country in Europe, the majority sits on one side and the minority sits on the other side and they do not speak to each other, and they are amazed that my Millie and Corinner will be sitting there, chatting so friendly, or Bob and I will be sitting there, friendly; or that the Democrats are talking to the Republicans. They just do not understand it.
>
> That is the way a democracy should be. There should be no rancor or hatred for anybody. It is the love of ideas: my ideas are different from yours and your ideas are different from mine, but we respect each other for it, and that is what makes a democracy great.

Madam Speaker, those were wonderful words from our former Speaker, and he closed by saying:

> Let me say this to you after 50 years in public life—this is the greatest country in the history of the world, we are the leaders of the world, this is the greatest legislative body in the world. We will always be great as long as we recognize the rights of one another across the aisle, as long as we respect each other for our thoughts, ideas, philosophies and as long as we respect those who disagree. This Nation is great. Why is it great? Because we are the voice of the American people and we respond to their will.
>
> I leave with no rancor in my heart for anybody. I leave with tremendous love and affection for this great body. I will always be a man of the House of Representatives but always, first, I am an American and so proud of this body.
>
> Thank you. I love you all.

Madam Speaker, those are the words of Tip. They are beautiful, and they are words that we should all live by and respect as we serve in this body.

We all know that Tip could be partisan with the best, and, as his son, Kip, said at his funeral, "Tip might hate the Republican sin, but it did not stop him from loving the sinner," and certainly that was the essence of our great friend, Tip O'Neill.

Mary and I will forever cherish the friendship we shared with Tip and Millie.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Ohio [Mr. REGULA] very much.

I yield now to the gentleman from Illinois [Mr. DURBIN], chairman of one of the appropriations committees.

□ 1730

Mr. DURBIN. Madam Speaker, I thank the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding. I appreciate his calling this special order to pay tribute to a mutual friend.

Madam Speaker, I can recall very well when I returned to Washington to attend Tip's funeral, we flew up from Washington to Boston, that I found on my desk from Christmas a book of Tip's latest stories that had been inscribed, "Merry Christmas, old pal, Tip O'Neill." I thought what irony. I am leaving to go to his funeral and seeing this book for the first time.

It is interesting to me that if you wanted to get a caricature of Tip O'Neill, you find one every day in the comic pages. There is one comic, I cannot recall which one, that has a caricature that looks just like him, a big, overweight fellow, with a white mane. I guess for a lot of people in America, they look at that caricature and say that that is what is wrong with politicians. They are big, out of touch, and just are what we thought they would be.

But that caricature does not tell the story of Tip O'Neill for those of us who knew him. The real question was not how a politician fills a suit, but what fills his heart. And when it came to Tip O'Neill, it was very clear that what filled his heart was his family, his love for the common person, and his love for this House of Representatives.

As one looks back on that event we attended, the funeral in Boston, in North Cambridge, I have to salute you,

Mr. MOAKLEY, for the fine remarks you made that day. But it was a great Irish funeral. Half the time we were laughing, and half the time we were crying, remembering with touching sincerity all of the comments being made by his family and friends, and laughing, too, about what a great man he was.

I suppose fate has dealt me some cards that I can never really account for. But to have been sworn into this institution in January 1983 by Tip O'Neill is an accident of history that I am just so happy that I was able to be a part of. It really set a tone, because you go through life as a politician and you meet thousands and thousands of other politicians. Few of them stand out. And Tip O'Neill was one of them. Hubert Humphrey was another. They had something in common. They really loved what they were doing. They really loved serving the people in public life. They took the grief that came along with it for a chance to do something good and leave a legacy.

When I heard the Speaker's son get up and give that beautiful, beautiful eulogy at that funeral, I understood that Tip O'Neill had balanced his life just right. He had a loving family who had participated with him throughout public service, and people clamoring to get inside that church to be with him in the final moment to pay tribute. I guess it tells it all.

Madam Speaker, I will tell one quick story to close. Again, as the gentleman from New Jersey [Mr. HUGHES] said earlier, we can all tell this story.

The day Tip O'Neill came to my congressional district, it was 4 or 5 years ago, he had just gone through a serious cancer surgery. He was weak, and told me as such. But he said, "I am coming out to help you." This was long after he left as Speaker.

We brought him into town at about 2 in the afternoon for a 4:30 fundraiser. I said, "Mr. Speaker, what would you like to do for these 2½ hours? Would you like to take a nap or something?"

"No, no, no," he says. "I would just like to sit here in the hotel room and talk to you."

I said, "What can I get you?"

He said, "Some ice water and some cigars."

So we got him his cigars, and we got him a pitcher of ice water, and he sat there for 2½ hours, regaling us with all his stories. And my staff came and went, just loving every moment of it.

So at 4:30 we went down for the fundraiser. And he said, "Now, Dick, I have got to tell you, I am getting tired and weak, and I don't know how much longer I can go on. So," he says, "I may not be able to last. But, believe me, we are going to take care of you."

So we sat him down at the table there, and people came by, and he signed his book and he shook hands. And I looked up, and every major Republican in my hometown had showed up, because they all loved Tip O'Neill.

At about 6 o'clock I said to him, "Mr. Speaker, now we are going to take you upstairs. But all I am going to do is introduce you, the briefest introduction you have ever had. You give the briefest statement you have ever made to this group of 400 or 500 people, and that is all they want."

He said fine. So I thought to myself, he looks OK, I think we are going to make it.

I got up, and I gave a 45-second introduction to a man you could have spoken 45 minutes about.

He got up, and I bet you know the end of the story, JOE. He went on for about 30 minutes, because here is Tip O'Neill, recovering from surgery, getting up in front of a crowd of perfect strangers, telling his story, a story that came from the heart. And he had everybody in that room, he just had them all. They watched him, and loved him, and applauded. And he left. And my family and I just thank fate, thank God, and thank Tip O'Neill for his sacrifice for coming forward.

I would just close by saying this. I hope that we just do not sit here and honor the man. I hope we remember what he was all about, not being afraid to say I am going to stand up for the little guy; not being afraid to say I am going to fight for a program that can make his or her life better; not apologizing for Government, not apologizing for Congress, saying that we are people, men and women, working hard for the right reasons.

Tip O'Neill is looking down on us now, as I am sure he is always out of the corner of his eye watching this House of Representatives from up in heaven. And I just want to tell you, a lot of us younger people and those who have been in this institution for a while, are going to do our best to carry on in his memory.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from Illinois.

I would like to now recognize the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman, the distinguished chairman of the Committee on Rules, from Massachusetts, and thank him for this special order this evening. It is with very deep gratitude and respect that I rise with my colleagues to offer sympathy to the family of our great speaker, Thomas P. O'Neill, and to his wonderful family, and to say to them, thank you. We keep you all in our prayers, and we keep him in our prayers.

I am one of the women Members of Congress that the Speaker welcomed upon my first and somewhat unexpected election in the year of 1982. His ingratiating manner, even in those days, and practical counsel to that young woman of 36 years then, will never be forgotten. Learning from him was learning from a legend. And for me, it will always be a honor.

My service in Congress now spans about a dozen years, and I had the pleasure of serving with Speaker O'Neill for about half that time. His joviality and hard-nosed political advice became part of my early service in this Congress. And I have to say he helped me personally progress through the painful greening that faces any new Member, standing up to the bashes that come your way now and then, the partisan rankling, the rather ugly side sometimes of what should be a rather lofty enterprise. He was the type of Speaker who took the time to shepherd the new members, including the women.

I can still recall my first encounter with the Speaker, a giant of a man, with the largest hands I think I have ever shaken in my life, in his private office just off this House floor.

I was a candidate for office then, and I was so overwhelmed that he took the time to schedule me into his day. I had traveled here from Ohio to pay a courtesy call on him, and I patiently waited rather nervously as his secretary ushered me into his outer office and then into his main office.

He was sitting on the corner of a rather huge wooden desk in a beautiful room with a sparkling crystal chandelier. And I cleared my throat and said, "Mr. Speaker, my name is MARCY KAPTUR, and I am running for Congress in Ohio's Ninth District." I looked at him, and with a twinkle in his eye and outstretched arms he held out to me, he beamed and warmly said to me, "Come on over here, honey," and chortled, as only he could. And I knew that this was a friend.

I hope that the people I know, that the people of Massachusetts and our country know, that his leadership and personal support to all of our Members helped us maintain heart and voice for the ordinary people of our country. His photo still hangs in my office, as it always will. The many lessons, large and small, he taught me and others, will follow us through our political lives: To love the people of our land, and in turn to love politics as the people's business; to retain good humor under great pressure; to keep yourself available to the Members of Congress as you assume leadership responsibilities. I can still remember him setting right here in the front row. He was always there for the Members.

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To personally contact those constituents who write you the most negative letters, you might learn something and you do. To go back into the kitchens at banquets and shake hands with the people who prepared the meals at social events and to always say thank you. And not to view your job as chiefly one to thwart the other party's initiatives, but rather to move the country forward. And importantly, to respect the institution of this House, the Congress, and uphold our Constitution no matter what the personal cost.

I learned those lessons from Speaker Thomas P. O'Neill. He spoke of his wife Millie so often in meetings. We all thought we knew her and were related to her. And with his departure, a certain joy left this Congress.

I feel so fortunate to have served concurrently with one of the greatest Speakers of all times. May his family and he be blessed and consoled, knowing that what they did and the people of Massachusetts did for others bettered our Nation and world.

I thank the gentleman.

Mr. MOAKLEY. Madam Speaker, I thank the gentlewoman for her fine statement.

Mr. NATCHER. Madam Speaker, during my tenure as a Member of Congress, I have had the honor and the privilege of serving with seven Speakers and nine Presidents. Thomas P. "Tip" O'Neill was always my friend, and he not only established the all-time record by serving 10 consecutive years as Speaker of the House, but he loved and respected the most powerful legislative body in the world.

During his tenure, he established a record that his people can be proud of and one that will always be remembered by those who served with him. Words are inadequate to fully appraise Tip O'Neill's tremendous capacity for loyalty and love of his country. In every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

He left his mark on Congress, not necessarily through legislation which he succeeded in having enacted, but instead through his character itself.

It was a distinct honor and privilege to serve with my friend, Thomas P. "Tip" O'Neill, Jr. in the Congress of the United States and to his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. McDADE. Madam Speaker, I thank and commend the gentleman from Massachusetts [Mr. MOAKLEY] for providing this special order in memory of our departed colleague, Tip O'Neill.

Tip was a giant of American politics who will be revered and remembered for decades to come. Whether you agreed or disagreed with Tip, you had to admire his commitment to bettering the lives of average Americans, particularly the elderly and the poor.

Despite our party differences, I counted Tip as one of my dearest friends. Tip could be a tremendous opponent, but those disagreements were never personal and were put aside completely on the golf course or during the times we traveled together. Tip was a true joy to be around. He was a great storyteller, and really enjoyed the camaraderie of his colleagues. He loved the institution of Congress, and was proud of the positive role Government could play in improving the lives of people.

Tip and I were friends for more than 30 years and to me he embodied what is great about our political system. He never lost his love for his fellow man and he treated everybody he met the same, regardless of his station in life. You got his ear, his attention, and his respect.

Tip never forgot the wise advice of his father: "Do the best you can for your neighbor. Never forget from where you come. And see if you can improve the lot of your fellow man." Tip never abandoned that simple credo in his public services or his dealings with people.

Tip O'Neill's death takes from us one of our great public figures, and our Nation has suffered a great loss. He came to know many people and make many friendships in northeastern Pennsylvania, and he was a friend to our region.

I was delighted when Tip spoke 5 years ago to a large community gathering in Scranton. He gave a wonderful speech, and he and his lovely wife were awarded honorary degrees from the University of Scranton. He was gracious and winning in his experience with the people of the Scranton area, and I know that they share my affection for this great American.

My thoughts and prayers go to Tip's wife, Millie, and their five children.

Mr. STOKES. Madam Speaker, I want to express my appreciation to our colleague, the distinguished gentleman from Massachusetts, Congressman JOSEPH MOAKLEY, for reserving this time to honor former House Speaker, Thomas P. "Tip" O'Neill. I join JOE in expressing my deep sense of loss over the passing of this great leader. With his demise, this institution and, indeed, the Nation, has lost a good friend and champion.

Madam Speaker, all of us who attended Tip's funeral were pleased with the great tribute paid to him by Chairman MOAKLEY. His tribute captured Tip, his life, his stories, and his philosophy in such a real and humane way that for a few moments we could visually see Tip as he was. The humorous stories injected by Chairman MOAKLEY helped us to remember Tip, not sadly, but as the jovial, convivial politician that he was—a friend to everybody.

His son, Thomas P. III, also did a marvelous job under what had to be difficult circumstances in depicting Tip as we all knew him. The combination of the tributes paid to Tip by him and Chairman MOAKLEY made Tip's funeral one that he would have enjoyed because they captured the essence of his greatness by depicting a man totally in touch with the common man.

Madam Speaker, for many of us gathered in the Chamber this evening, Tip O'Neill was more than Speaker of the House. He touched many of our lives in a profound way and helped to mold our careers in the Congress. Tip O'Neill was a personal and dear friend to me. I will always remember the special interest he took in my career.

It was Speaker O'Neill who selected me to undertake several tough committee assignments, including the chairmanship of the House Select Committee on Assassinations, the chairmanship of the House Ethics Committee, and an appointment to the House Intelligence Committee, which I later chaired.

Madam Speaker, Tip O'Neill was a committed public servant. He held elective office for 50 years, including 16 years in the Massachusetts Legislature and 34 years in the House. When he retired as Speaker of the House in 1986, he had held the post for a longer continuous period than any other.

During the 1980's and Reagan administration, it was Tip O'Neill who led our party and was the most powerful voice in defense of the average citizen. He not only held the Democratic Party together, but actually strengthened its base during this period. Tip O'Neill was a liberal, he was a man of his word, and he was never afraid to fight for what he believed in.

Tip O'Neill's service in the Congress is a testament to a man who felt that politics was an honorable calling, and viewed elective office as a way to bring about improvements in the average citizen's life. His Massachusetts constituency will remember him as a dedicated politican and a friend who never forgot his roots.

Madam Speaker, Tip O'Neill was more than a politician or a Speaker of the House. He was like a father to many of us. He nurtured us, and through his stories for which he was famous, he inculcated us with his philosophy of service to one's constituents and thereby, one's country. He loved his wife, Millie, politics, Congress, and his country.

When he retired as Speaker of the House, Tip O'Neill was asked how he wanted his career to be remembered. He replied that he was someone who "came to Washington with a certain set of ideas and he stayed with them all the way."

Time will accord Speaker Tip O'Neill his rightful place in history as one of our greatest Speakers. His integrity, dignity, and lovable personality has been permanently etched in the memory of all of us who knew him. I will personally miss his favorite greeting whenever we met which was, "LOUIE, ol' pal." Not only was he my pal, but he was the Nation's champion for the common man.

Madam Speaker, I join my friend, JOE MOAKLEY, in expressing our condolences to Millie, the children—Thomas P. III, Christopher, Michael Tolan, Susan, and Rosemary—and other members of the O'Neill family. The loss of Speaker Tip O'Neill affected us all. We take comfort in knowing that his memory will never be forgotten.

Mr. CRANE. Madam Speaker, the House of Representatives will never know another Thomas P. "Tip" O'Neill.

Tip O'Neill gave 34 years of his life to this institution which he came to love. And his service included an unequaled 10 consecutive years as Speaker.

And while he rose to what some contend is the second most powerful position in our Government, he never forgot his Boston roots. He professionally linked the connection between Washington and Boston by noting, "All politics is local."

Tip O'Neill was a dedicated Democrat. He believed his party had the answers to the Nation's needs and ills. And while we disagreed with him many, many times, we never doubted the sincerity with which he held his beliefs in the party of his choice.

Tip O'Neill was a fighter, and yet, he was a kind person. He fought for his beliefs with every ounce of his beefy figure, even as he embraced a needy friend or stranger with every ounce of his huge heart.

Tip O'Neill brought his heart to this body, and he takes ours with him to eternity.

Mr. YATES. Madam Speaker, today we mourn the death of a great Speaker of this

House. Everyone who believes in representative government and the democratic process is indebted to Tip O'Neill and I am honored to have been his friend and colleague for more than 40 years.

Tip was, of course, a vastly talented and gifted legislator but the quality that lifted him to greatness was the basic, thoroughgoing humanity of the man. From his first day in public life to the last, Tip O'Neill believed that the fundamental purpose of government was to meet the needs of people who cannot help themselves. The press in recent years has tended to call the O'Neill approach to government old fashioned liberalism but I can tell you that Tip O'Neill stood for principled, humane government and for policies that made sense for this country, and he was right. His battle for these ideas is his splendid legacy and I am very proud to have served here with him.

I remember well his opposition to the Vietnam war. He and I were among the earliest opponents of that tragedy and Tip took his stand when President Johnson and the war were quite popular in his district. He was never more right than on that issue and the people of Cambridge continued to support him. His leadership of the House and the Democratic Party during the Reagan years when the Senate was Republican and the forces of untempered capitalism were in full bloom will, I predict, be remembered by historians as a remarkable example of courageous and effective action by a Speaker.

Probably no one since FDR enjoyed the political process more that Tip O'Neill. He was a marvelous blend of humor, kindness, forcefulness, thoughtful action, and an altogether delightful human being. I mourn his loss and extend my heartfelt condolences to Millie and the O'Neill family.

Mr. COYNE. Madam Speaker, I want to pay tribute to the memory of Thomas P. "Tip" O'Neill, a man who will long be ranked among the greatest Speakers of the U.S. House of Representatives.

I will always recall with pleasure the fact that Speaker O'Neill administered the oath of office for Members of the House when I began my service in the House in 1980. Speaker O'Neill represented to me the very model of what a Congressman should be. He was a man who knew his district in Boston not simply as blocs of voters but as friends and neighbors. His famous line—"All politics is local"—reminded many of the simple truth that the views and priorities of local voters should always be kept first in the minds of Members of Congress. He taught me the importance of never forgetting the fact that I may serve in Washington but my home will always be with friends and neighbors in Pittsburgh.

Speaker O'Neill was a partisan Democrat in the finest sense of the term. He believed intensely in the idea that principles do matter and that elected officials and political parties must at times struggle aggressively to defend and promote the principles on which they campaign. Tip O'Neill was also a man who understood the fact that political differences did not and should not lead automatically to personal conflict. He was a man who could argue all day with a political opponent about an issue without questioning that individual's integrity or character.

Tip O'Neill came to symbolize for millions of Americans the office of the Speaker of the House. This was especially true during the 1980's when Speaker O'Neill led the Democratic Party and the House majority in opposition to many of the Reagan administration's policies. Working men and women and urban communities like Pittsburgh owe Speaker O'Neill a great debt of gratitude for his efforts to defend their interests from the worst effects of the Reagan administration's domestic policies.

Speaker O'Neill was a man of the people, as was appropriate for the people's chamber. He had the demeanor of the regular guy next door at a time when the news media and political pundits celebrated a telegenic appearance and the Madison Avenue approach to politics. Still, Tip O'Neill conveyed his message to the vast majority of Americans with a conviction, and simple eloquence that produced results.

Speaker O'Neill has earned his place in the history of the United States. His charm, personal conviction, and political skills will long be remembered fondly here in the U.S. House. Tip O'Neill set an example of what is best in a public servant and the most appropriate tribute we can pay him is to aspire to those high standards.

Mr. FORD of Michigan. Madam Speaker, I rise today to join my colleagues in paying tribute to our friend, former colleague and Speaker, Thomas P. "Tip" O'Neill, who passed away on Janury 5, 1994.

It has been said that Tip was born to partisan politics. His father was a Cambridge, MA, city councilman who picketed Harvard University for hiring nonunion construction workers. As a boy, Tip mowed the lawns of Harvard Yard for pocket change, never dreaming that years later, on the 350th anniversary celebration of the university, he would deliver the keynote address as its honored speaker.

Tip was a graduate of St. John's High School and of his beloved Boston College. He worked as an insurance executive before entering politics. At the age of 23 he was elected to the Massachusetts Legislature, and became its youngest speaker at the age of 37. He took John F. Kennedy's seat in the U.S. House of Representatives in 1952, and was quickly taken under the wing of Representative John McCormack of Boston, later Speaker himself.

Tip rose through the House leadership ranks rapidly. He was majority whip in the 92d Congress, majority leader in the 93d and 94th Congresses and Speaker until his retirement at the end of the 99th Congress, setting a record for the longest continuous service as Speaker of the House. In doing so, Tip raised the stature of the office of the Speaker and the entire House of Representatives.

Tip was simply a great Member of Congress. He saw it as his responsibility to represent the people of the Eighth District of Massachusetts by sticking to the ideals for which they elected him. These principles found him in agreement with Presidents as well as up against them. When Tip agreed with the administration, it was because their stance conformed with his deeply held principles and values. When he disagreed with the President it was with the grace and courage of a true statesman. Few will forget that Tip was one of the first in the Democratic leadership to break with Lyndon Johnson over the Vietnam war—a courageous move in light of the mood of the day, and of his constituents back home. Whether or not one agreed with Tip on a particular issue, and as partisan as he could be, he was always honest and fair to his colleagues.

When Republicans took the White House and the Senate in 1980, Tip suddenly found himself as the Nation's No. 1 Democrat, and often lonely defender against the Reagan administration's assault on liberalism and big government. Some in that administration tried to paint Tip as a figure straight from central casting—the portly, cigar-chomping big city machine pol standing in the way of an enormously popular President bent on changing business as usual.

Tip was initially shaken when some Democrats joined President Reagan in slashing social programs and passing massive Pentagon buildup and trickle down economic plans. But he fought back with the tenacity of a prizefighter, using both old and new political techniques to forge a formidable opposition.

Madam Speaker, the newspaper stories I have read over these past weeks have called Tip's passing the end of an era. In a sense, that epitaph is true, and it is a shame. Unlike today, where style too often supplants political substance, and the latest polls, deeply held convictions, Tip was constant in his beliefs. He was, above all, a liberal and a politician, unashamed by either of those terms, who viewed politics as a way to ensure that those in our society who were most in need and most overlooked—the poor, the elderly, the disenfranchised, the mentally and physically disabled—were not forgotten. Despite the international recognition to which he rose, Tip simply never forgot the people who sent him here, and why.

Tip O'Neill was in many ways, larger than life. Much has, and will be said about him, and his distinguished record of accomplishment. I recall often the good fortune I had to work closely with Tip to include in the reauthorization of the Higher Education Amendments of 1980 an authorization for the establishment of the Thomas P. O'Neill Library at Boston College. I later attended the dedication of that facility with Tip and his family, and still remember how happy he was at seeing that wonderful asset added to the university.

Madam Speaker, Tip O'Neill embodied a dedication to public service and a caring for others that helped make America great. He leaves behind a legacy of commitment and dedication to others that will endure for years to come. The people of this Nation, and the little guy everywhere lost a champion with the passing of Tip O'Neill.

The many kindnesses extended to me by Tip over the years are far too numerous for me to recount for this record. But every single one of them came from his heart. I will remember and appreciate them for the rest of my life.

I join my colleagues in this much-deserved tribute to Tip, and in extending my most heartfelt condolences to his wife, Millie, and the entire O'Neill family.

Mr. ORTIZ. Madam Speaker, I rise today to join my colleagues in this special tribute to our friend—and our former Speaker—Tip O'Neill. I

admired him very much for his passion and his unparalleled dedication to his home and his district. The natural result of that passion and dedication was the oft-quoted philosophy of Speaker O'Neill, "All politics is local."

I worked with Speaker O'Neill very briefly, but like everyone else who happened to be in the Speaker's company, I felt the comfort he constantly radiated. No matter who was in his presence, he was a master at making people feel comfortable. That is an admirable trait, one that is indispensable in a public servant.

I remember the first meeting I had with Speaker O'Neill. I was going to ask to be put on the Select Committee on Narcotics Abuse and Control. Since I was a brandnew Member and he was the Speaker, I was a little bit nervous. When he asked me why I wanted to sit on that committee, I told him about having been a law enforcement officer with an ongoing interest in the narcotics trade in the United States.

At that point, his interest in my committee assignment became apparent. He told me that it was important to the institution of Congress that the concerns of law enforcement be represented on this important committee. I was pleased and proud when he told me right then that he would support my membership on that select committee.

While the select committee was disbanded due to fiscal considerations early in this Congress, my service on the Narcotics Committee was very important to me. I still stay abreast of issues that relate to narcotics and possible solutions to the problems we face on that front today. I know that Speaker O'Neill would be pleased by that.

Mr. BRYANT. Madam Speaker, I would first like to thank Chairman MOAKLEY for reserving this time so that we may honor Speaker O'Neill's memory.

When I was elected to serve in the 98th Congress in 1982, I found I was privileged to serve under Speaker O'Neill for 4 years. I thereby benefited from his advice and counsel in that time. Like so many of us, I have countless memories of Tip's humanity and leadership. Remember the way he would pull us aside during legislative battles, put his arm around us, and in the most eloquent fashion tell us what was right. Aside from his leadership and guidance. I know it is Tip's friendship that I will miss the most.

I will always remember Tip as being generous, family true to his beliefs and blessed with a natural ability to lead. Tip was a great husband and father, a great speaker and leader, but more important, a great friend. He will be forever missed by us all.

Mr. HALL of Ohio. Madam Speaker, it is with great sadness but deep fondness that I recall the memory of our former colleague and Speaker, Thomas P. "Tip" a friend.

Tip loved public service and he loved the House. He truly believed in the people he served. Several times he came to my district of Dayton, OH and he was always a hit—not just because he was the powerful Speaker of the House, but because he poured out friendship and warmth.

He presided over the House at a time of great change in the direction of our Federal Government. As the Nation's top Democrat, he exercised judgment and compassion in steering Congress in new directions. He never forgot that our purpose was to serve all Americans and that the weak, the poor, and the needy must be remembered.

At the end of my first term in the House, Tip appointed me to a coveted spot on the Rules Committee. I was impressed that he put his faith in me when I was so new to this institution. I hope that in the years that followed I have lived up to his trust and his ideals of service.

Mr. STUDDS. Madam Speaker, I rise today to honor a great American, a great leader and a great friend, former Speaker Thomas P. O'Neill. Tip was famous for his phrase, "all politics is local," but his impact was much more than local. His work on behalf of the Commonwealth of Massachusetts is legendary, but as one of the most distinguished Speakers of this century, his contributions to the country loom just as large.

He restored honor to politics. To him, the phrase "public servant," meant just that: serving the public. He never forgot where he came from, or that he was in politics to help people who needed it.

And the people did not forget him. There has been an incredible outpouring of genuine affection for Tip since his death last month. Everyone, it seems, has a story about Tip, of how he touched them.

People in my own congressional district are no exception. In December, just before his death, he helped arrange for food, clothing, and toys to be given to a food pantry in the town of Harwich on his adopted home of Cape Cod so needy families could have a nicer Christmas. After he died, his family asked that memorial contributions be sent to the pantry. In a little more than 2 weeks, more than $11,000 was donated to the pantry in his memory. The checks came from all over the country: from his beloved hometown of North Cambridge, from here in Washington, and from Wyoming, Wisconsin, Virginia, and every place in between.

Tip, we salute you. You were indeed a gentleman, a true "man of the House." We'll miss you, but we'll never forget you.

Mr. KLECZKA. Madam Speaker, I would like to take a few moments to pay my respects to the late Thomas P. "Tip" O'Neill.

As a Member of the House who had the honor of being sworn in by Speaker O'Neill, I have always had a special fondness and respect for him, and it was with great sadness that I made the trip up to Boston a few weeks ago to say goodbye.

Over the past few weeks, many kind words have been spoken and written about Tip. It is no secret what his strengths and weaknesses were, but the real secret may be the secret of his success. In an era of sound-bitten, telegenic politics, Tip O'Neill rose to power with his big frame, his gray hair, and his cigar in full view. He was not an eloquent orator, but you knew where he stood on the issues; and that was frequently ahead of the pack and not behind focus groups and public opinion polls.

His politics were motivated by his deep concern for the people, and how the policies of this country would affect them. In spite of his power and fame, he never forgot his roots, never forgot who and what got him here. The secret of his success was that Tip O'Neill never stopped being himself, never stopped being real, and that is the lesson for us all.

I end my remarks not with a classic Tip story, but with a note to the current Members of the House Tip loved so dearly. This is an institution capable of great things, and we did more in the last session than I think Tip thought was imaginable. Let us continue in that same vein of serving the interests of the people above all else.

Tip would expect no more, and we should honor his legacy by accomplishing no less.

Mr. QUILLEN. Madam Speaker, my colleagues and I rise today to express our sadness at the passing of our beloved former colleague, and my dear friend, Tip O'Neill. Although Speaker O'Neill has left us, he lives on through his cherished memory and through his contributions to public life, particularly this institution that he loved so well.

I first got to know Tip when I was appointed to the Rules Committee in 1965. At that time, the legendary Judge Howard Smith was still the chairman of the committee, which Tip had been a member of since the Democrats regained control of the House 10 years earlier. The Rules Committee has always been the most partisan committee in the House, and Tip freely admitted that the only reason he was there was because he could be counted on to toe the party line.

However, in those days, the committee met around a long oval table, so that junior members like Tip and myself sat facing one another, instead of on opposite ends of the room. This both promoted collegiality and created fast friendships that would last for decades. I always knew that Tip O'Neill was a man of his word whose heart was as big as his expansive personality.

Thomas P. O'Neill, Jr., was born on December 9, 1912, in North Cambridge, MA, where he would live all his life. From an early age, it was obvious that politics was his true calling, and he was elected to the Massachusetts State Legislature, called the Great and General Court, at 24, to begin an unbroken 50-year career in elective office. He rose to become the speaker of the legislature at 36, and he replaced John F. Kennedy in the U.S. House of Representatives at 40.

Using his Rules Committee position to get to know other Members of the House, and was appointed majority whip in 1971. The next year, upon Hale Boggs's tragic death, he became majority leader. In 1977, he was sworn in as the Speaker of the House, a position which he was to hold for 10 years and to which he would strengthen and bring new prestige and respect.

Tip O'Neill was possibly the best storyteller that this body has ever produced, and many of his best stories were contained in his excellent book, "Man of the House." When Tip left us last month, the House of Representatives lost a man who was the keeper of this body's institutional memory, and we are left with stories of him.

To me, Tip O'Neill was a symbol of a bygone period in the House, when comity and personal friendships were more important than constant partisanship. I miss this time very much, just as I will always miss Tip's leadership, his generosity, and his friendship. My heartfelt condolences go out to his dear wife

Millie and the rest of his extensive and loving family.

Mr. DE LA GARZA. Madam Speaker, "Keep your speeches short and the audience will remember what you had to say."

Madam Speaker, that was among the rules of politics of one of your great predecessors, the late former Speaker Tip O'Neill. In rising to remember him today, perhaps the highest honor anyone can do him is to follow that dictum—although the desire to talk at length about such a well-liked and influential man can, indeed, be great.

In his 34 years of serving in the House, Speaker O'Neill became perhaps its most enduring figure since the death in 1961 of former Speaker Sam Rayburn, of my home State of Texas. "A Man of the House," as Speaker O'Neill liked to call himself, he never forgot where he came from or why he was here, and he endeared himself to colleagues on both sides of the aisle.

His legacy will surely endure.

Mr. MANTON. Madam Speaker, I rise to pay tribute to the late Speaker, the Honorable Thomas P. Tip O'Neill, Jr. "Tip" O'Neill was a great and admirable man who had the personality and character that made him a magnificent leader—someone we will never forget. He taught this body and this Nation during his 50 years of public service.

One of the many lessons he taught us is that, "All politics is local." Tip never forgot where he came from—he never forgot his roots and the people who elected him to office every 2 years. He taught us that, "The art of politics is compromise." Whether it's the President trying to get a bill passed, or the Speaker settling a fight between two committee chairmen, the essential ingredient of politics is compromise. He taught us that political compromise is not compromising your morals or principles, but deferring your idea so a majority can be reached. He taught us that compromise means appealing to one's conscience, patriotism, and, above all, loyalty.

Tip O'Neill was the first American Speaker to visit Ireland. During the past 20 years, he was a constant voice for peace and reconciliation in Northern Ireland. As an Irish-American myself, I will not forget his work toward peace in that great land.

Although I was only able to serve under Tip's leadership for 2 years, he left an indelible mark that I will carry for the rest of my life. He was caring, compassionate, and so decent—a man who did so much for so many. Tip O'Neill personified the American Politic; he was definitely the "Man of the House," but he was also a man of the world, a leader that will never be forgotten.

To his devoted wife, Millie, to his children and grandchildren, words could never express our deep sense of loss. We will miss Tip terribly, but we must remember how enriched we have all become, because we know him, the Honorable Thomas P. "Tip" O'Neill, Jr.

Ms. ESHOO. Madam Speaker, although I did not have the privilege to serve in the House of Representatives with Speaker "Tip" O'Neill, I reserve a special place in my heart for the memory of this great man and extraordinary leader.

Speaker O'Neill had a deep and clear understanding of what it meant to be a Representative.

He loved this institution and made it a better place.

More important, he loved America and did everything in his power to make it a better place for all of us.

Throughout his tenure as a Member of Congress and as the Speaker, he held true to the belief that every American should have the opportunity to get an education, buy a home, and have a decent job.

He was compassionate and caring, yet fully understood the reality of politics, which includes vigorous give and take.

Having come to the House from a long tenure in local government myself, his famous quote, "All politics is local," endeared him to me even more.

What made him such a great public servant is the humble understanding that no matter how high you rise in public office, the true test of your achievements still lies in what you have accomplished at home for the people we are privileged to represent.

I believe "Tip" O'Neill was a great man because he was a good man. He genuinely enjoyed people. While he had many political battles, on the day he left the House he had no enemies. He was what the Irish call "A fine spring rain of a man."

Madam Speaker, I know when "Tip" O'Neill passed from us the angels greeted him in his high place in heaven.

I want to thank my colleague from Massachusetts, Mr. MOAKLEY, for arranging this time for his dear friend, Speaker O'Neill, and recognize all he has done to remember him these past weeks.

Mrs. MORELLA. Madam Speaker, in an era of the antipolitician, Thomas P. "Tip" O'Neill was a politician, and he was proud of it. During his more than three decades in the House, and especially during his 10 years as Speaker, Tip loved to press the flesh with his 434 colleagues here, but he enjoyed even more the interaction with the little people back home in the polyglot Eighth District of Massachusetts. Tip believed that Government had an important role to play in helping those little people—the dispossessed, the unlucky, those with few advantages in life.

Tip put this philosophy into practice on a personal level by lending a helping hand to the needy back in Boston. Legislatively, even in the eighties, when it was sometimes not popular to support expansive social programs, Tip persisted. For a time, he paid a price, becoming the target of national television ads portraying him as a bloated political relic. But long before he retired in 1987, he had won over even his ideological opponents who, if they did not agree with him, at least admired him for his honesty in sticking to his guns.

Tip was well known for his motto, "all politics is local," and he was a master of grassroots politics. But he never shied away from domestic and international issues, from Vietnam to Watergate to Central America. He was a driving force behind congressional reform legislation in the 1980's.

Tip's legacy—from Somerville to Seattle—is not just that he had the longest unbroken tenure ever as Speaker of the House. It is that of a politician of the old school who succeeded during a new political era. It is that of a powerful, change-oriented leader who retired as a revered figure—both in this Chamber and around the Nation.

Tip and I shared the same roots for he represented my home district in Massachusetts and I represented him in his home away from home in Maryland. To the many moving tributes we heard at his funeral service, I add my admiration and prayers. I extend my condolences to Millie and the family. Tip will be missed, but he will live on in love.

Mr. BLILEY. Madam Speaker, I rise today to recognize a great American—a man who was a respected colleague and true friend of mine. The recent passing of former Speaker Tip O'Neill has left a void not only in my professional life, but in my personal life as well.

Some may wonder just exactly what two white-haired guys from completely opposite sides of the political aisle could possibly have in common? How could a Southern conservative and a Yankee liberal forge such a long-lasting friendship?

Well, my fellow Members, I guess I'm living proof that opposites do attract. But moreover, this fine gentleman from Massachusetts and I shared a common respect and trust for this institution and most importantly, for the people we represent.

On many occasions, the Speaker and I may have found little common ground on which to agree. But, we both respected the process—the true spirit of debate—and we put our faith in the American people.

I will miss this decent and honorable man—a man who would fight for what he believed was right, but also a companion who knew a good Virginia cigar when he saw one.

In closing, Tip, I just want to say "thanks." Thanks for your tireless efforts and your loyal commitment to this House, this Government, and this Nation—your hard work certainly did not go unnoticed.

Mr. SENSENBRENNER. Madam Speaker, I join my fellow colleagues today in paying tribute to a former colleague who was not simply a Member of this institution, but he was an institution himself. Of course, I am speaking of the tragic passing away of former Speaker of the House Thomas P. "Tip" O'Neill, which is a tremendous loss to all of us.

When I first was elected to the House of Representatives and arrived here as a freshman, I learned very quickly who was in charge of this place. Tip exercised firm control over the House, but he always brought dignity to this institution. He held this place together with the authority of a stern father, but balanced that with the respect of a student of history.

Tip had the remarkable ability of fulfilling his responsibilities in Washington, while still remaining in touch with the voters he represented. He taught us all a great deal about remembering that we are here as public servants and what we do here should always reflect that.

I realize I am not alone in expressing condolences to the family, but I do wish to join the others in expressing my deepest sympathy. The memories Tip left will live on as a example to all those who have the privilege of serving in the people's house—a job Tip cherished.

Mr. GOODLING. Madam Speaker, Thomas P. "Tip" O'Neill was a man of many accomplishments. It is with sadness and respect that

I pay tribute to such a distinguished man and colleague. He will always be recognized as a great citizen who served his country in a distinctive manner for many years. For 50 years he held an elected office, 34 of those years being in the U.S. House of Representatives. He will be remembered as one of the most outstanding people to ever serve in the history of American Government.

The mark of a great leader is one who is able to communicate to his constituents exactly which direction they are headed. Mr. O'Neill was able to do this effectively. He always knew which direction he was headed and where he stood and so did we.

Full of self-confidence and charm, he was well-liked and respected by everyone. Mr. O'Neill liked to say that "politics is an honorable calling." This philosophy of his would lead him to become a memorable Speaker of the House for 10 years.

He was committed to serving his constituents and considered for the phrase, "all politics is local." Even though he was at the very height of political power and easily interacted with other successful world leaders, he remained close to his roots, never forgetting where he came from.

He was a great listener and a risk taker who proved both of these characteristics to be an asset to his personality. Most importantly, Tip was a man of his word. When he gave you his word, it was golden.

He leaves behind his beloved wife Mildred Ann (Miller); two daughters, Rosemary and Susan; and three sons, Thomas III, Christopher, and Michael. The family, his colleagues, and the Nation is deeply saddened by the loss of this great man. He will be missed but more than that he will be remembered fondly.

Mrs. LOWEY. Mr. Speaker, today I join my colleagues in fond remembrance of the late, great Speaker of the House, Tip O'Neill.

During the course of an extraordinary career, spanning a period of dramatic change in the Congress and the Nation, Speaker O'Neill stood out as a tireless and unyielding champion of the average American.

He led efforts to extend the promise of opportunity and equality to millions of citizens. He disolayed courage and conviction in calling for an end to the Vietnam war. Through the legal tests of Watergate, Speaker O'Neill was a model of judgment and integrity. And through the moral tests of the 1980's, Speaker O'Neill preserved a faith in our basic goodness, our shared ability to shape a better world based on the most noble human instincts.

Speaker O'Neill did all this, towered over our politics and Government, and yet remained to the end a humble man, friendly and approachable, always prepared with a bit of quite wisdom, wrapped in a story.

I remember sitting next to him at the new member's orientation at Harvard shortly after being elected to the Congress. What an inspiration. There were so many rules and procedures to master, and here was this man who, from it all, had made the hopes of our democracy real. He truly understood—and never forgot—what was important to those he was elected to serve.

Later, when he visited my district, he shined at every stop with the enthusiasm and love of people that endeared him to so many in this body and around the country. At the time, he was in serious pain, but it did not slow him down. He won the hearts of everyone with whom he came in contact, just as those of us who knew him would expect.

Speaker O'Neill leaves us not only a body of law and policy for which generations will be grateful, but also a personal example of grace and compassion that must forever be our guide as public servants and Americans.

May each of us in this Chamber measure up to his standard. And may his spirit lead us to a still brighter future.

Mr. MONTGOMERY. Mr. Speaker, I want to join my colleagues in paying tribute to our former Speaker and friend, Tip O'Neill. Some might think it a little unusual that he and I would get along so well since I am from the rural South and Tip was from Boston. But the fact is that I do not think I had a better friend in Congress than Tip O'Neill.

He was always there when I needed help, whether it was a problem on the Veterans' Affairs Committee or some other issue. Tip was right there to offer help in any way he could.

And he asked me for help, too. Any time Tip had a problem with a veteran's case from his district in Massachusetts, he came to me and most of the time we were able to work it out.

I remember back after the general election in 1992, Speaker FOLEY, Beverly Byron, and I were having lunch in the Speaker's Dining Room with President Bush. All of a sudden the doors came swinging open and in walked Tip. He told Mr. Bush that he had seen his car outside and wanted to stop in to say hello. Tip said, "You ran a bad campaign, Mr. President." Mr. Bush responded that he did run a good fourth quarter. Tip shot back by saying, "Yes, but it takes four quarters to win!" They were good friends and Mr. Bush even offered Tip the ambassadorship to Ireland a few years back, but Tip turned it down.

It always gave me a good feeling to see Tip on television in recent years in commercials and in guest appearances on the network shows. He was such a good sport and I know he enjoyed it.

A poll was taken recently in the South that showed Tip O'Neill was one of the most popular and best liked political figures in the country. I am glad the public came to see him as so many of us who worked with Tip saw him. He was a warm and kind person and I was proud to call him my friend.

Mr. KING. Madam Speaker, I rise today to salute the memory of one of the true giants of this body, Speaker of the House the Honorable Thomas P. "Tip" O'Neill, Jr.

Tip O'Neill first came to Congress during the administration of Franklin Delano Roosevelt and retired as Speaker of the House during Ronald Reagan's second term. He served the people of Massachusetts and the United States during 50 of the most turbulent, tragic, exciting, and glorious years in American history. He served under—or as he would quickly point out—with nine Presidents.

As a fellow Irish-American, I am proud of Tip O'Neill's outstanding achievements. For me, Tip O'Neill personified the very heart of Irish-America, embodying through his life the story of the Irish in America, and the great success we have been fortunate to attain.

Tip O'Neill often played nemesis to an American hero whom I hold in the highest esteem: President Ronald Reagan. Although there were any number of issues on which Speaker O'Neill and I would have been at odds over, there is no one in politics or government who does not admire him for his years of dedicated public service. I am proud to serve in a body that remains very much touched by Tip O'Neill's legacy.

His oft-repeated admonition that "all politics is local," is one of the central truths of our democratic system. Tip O'Neill never forgot where he came from, never failed to do his utmost to help the people of his home district, and never forgot who sent him to Congress. Most importantly, from everyone whom I have spoken to who knew Tip O'Neill, it is clear that he never took himself seriously—his job, yes, but not himself. That's a rare trait in Congress today. For these reasons I was proud to add my name as a cosponsor of House Resolution 329, which will designate 1994 as a year to honor the memory of Thomas P. "Tip" O'Neill, Jr. His dedication to faithfully representing his constituents and to remaining true to his principles, are qualities to which I strive to live up to.

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute to one of the greatest men ever to have served in this body. That man was former Speaker of the House Thomas P. "Tip" O'Neill. Mr. O'Neill will be missed by all of us, by his family, his friends, his former colleagues, and by the American people who came to know and love him.

It was not my fortune to serve in this House under the leadership of Tip O'Neill; he left the Congress the year I was elected. I was fortunate, however, to meet with Speaker O'Neill shortly after I won my primary runoff in September 1986 and on subsequent occasions after he retired. That meeting, shortly after I embarked on my campaign to Congress, made an impression that will stay with me all my life.

Tip O'Neill was a very proud man. He was proud of his Irish ancestry and he was proud of being a man of the people. Tip never forgot who he was or where he came from. He never forget why he came to Congress and the people he came to represent. As a result, Tip had the affection and respect of his constituents and his colleagues.

Tip O'Neill wasn't ashamed to be an old fashioned liberal. He believed that the business of government was the business of looking after people, especially those who were down and out, those who couldn't look after themselves. He was unabashed in his efforts to fight for these people. During the early 1980's when there were those in Washington who wanted to forget the poor, the downtrodden, and the dispossessed, it was Speaker O'Neill who fought to protect them. It was Tip O'Neill, the man of the people, the "man of the house," as his first book was aptly titled, who stood up for the rights of working men and woman throughout this country.

I will miss Tip O'Neill. He was a man of courage and compassion, a man of extraordinary character. He will remain forever as an inspiration of what public service is all about. Tip O'Neill may be gone, but his legacy will live on forever in the hearts and minds of the American people.

GENERAL LEAVE

Mr. MOAKLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on my special order.

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CRIME IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, this past week in one short 2-hour period the message of violence among the young struck home in New York's 26th Congressional District. As we deliberate here today it will strike in countless other districts across the Nation.

I represent the city of Newburgh—a city of only 27,000 people. Two hours of violence this past Sunday morning left two young people dead and three injured and countless others traumatized. One young woman shot and killed her lover—a young man suspected of beating her. A 15-year-old boy was shot and killed in a dispute over a girl. And 2 West Point cadets were stabbed, another beaten and yet another 17-year-old recruit was beaten as well after being chased by a mob of 50 others. And yet another man was hit when a stray gunshot ripped through his hand as he walked down the street with his wife.

How much more of this do we need to witness before we are prepared to ask what is wrong with our society? And what are we prepared to do about it?

Violence by and against our children is pervading our Nation, particularly in places once considered safe—our schools—our homes. Almost one out of eight youths in America is assaulted, robbed, or raped each year—and this is nationwide. We all know this number is much higher in some neighborhoods. Neighborhoods where hope and opportunity have died. We have seen an increase of 47 percent among juveniles charged with violent crime in just the past 10 years. More than ever we need to work together as a community to address this violence against and among our children.

It is time for us to take a hard look at the causes of crime. It's not just caused by the accessibility of weapons or the glamorization of violence in video games or the abuse children suffer at home or gangs or illegal drugs though each of these contributes to and exacerbates the picture. At the root—this violence is fed by hopelessness—by unemployment—by poverty—by babies having babies. It may be a good idea to have 100,000 cops on the beat, but let's not fool ourselves into believing that this will solve the problem of violence. We need to pull ourselves together as a nation and begin to attack the hopelessness and the sense of desperation felt by too many of our people.

A FURTHER TRIBUTE TO THE LATE HONORABLE THOMAS P. "TIP" O'NEILL

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

Mr. PENNY. Madam Speaker, I rise this evening to join in tribute to our departed friend and former colleague, Tip O'Neill of Massachusetts.

I came to Congress in 1982, as a freshman Member, and remember fondly my first meeting with Speaker O'Neill.

I shared with him a story about his visit to Minnesota during the campaign season in 1982. We had a brief encounter at that time, not one that I think made much of an impact on the Speaker. But I told him who I was and that I was campaigning against a Republican incumbent.

I mentioned the name of the incumbent and said, "You know who he is, don't you?"

And the Speaker said, "Well, yes, I know the name, but frankly, I don't know much about him."

So on my first day in office in 1983, I wanted to make sure that I got to know the new Speaker so that when asked by reporters or constituents in years hence, he would say, "Yes, I know your Congressman."

I cannot say that our political agenda was always in sync. Tip was true to his district; I was true to mine. Dramatic differences between his district in Boston, MA, and my district in rural southern Minnesota. But we did share a common belief that public service is an important calling. We did share a common view that in politics, process does matter and that there ought to be fair treatment for opposing points of view.

I delight in acknowledging that during Speaker O'Neill's tenure, better than 70 percent of the legislation brought to the floor was brought to the floor under fair and open rules. And I think it improves the tenor of our legislative process to conduct ourselves in that fashion.

I will always remember his style of leadership with great fondness, and I treasure the fact that in early December I had an opportunity to join him briefly for breakfast here in the Capitol building. I will always feel blessed that I had that one last opportunity to be and to speak with Tip O'Neill, a great American. We will not soon forget his example of leadership.

ORDER OF BUSINESS

Mr. SANDERS. Madam Speaker, this evening we had scheduled a formal debate between the Conservative Opportunity Society and the Progressive Caucus on the issue of defense spending. Unfortunately, one of the Members is at this moment engaged in an important markup in his committee and is unable to attend. We are going to have to postpone that debate. We are all sorry for that.

Madam Speaker, I ask unanimous consent to yield my time to the gentleman from Arizona [Mr. KYL], the conservative gentleman who was going to participate in that debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

DEFENSE SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Madam Speaker, I also express my disappointment that we were not able to have the debate this evening, but for all of those who have been expecting it, we would ask that they consult us for the time when we can reschedule, and I appreciate the gentleman's willingness to moderate the debate this evening.

We thought we would take a few minutes, the gentleman from Pennsylvania [Mr. WELDON] and I, and discuss the issue since we are both here and we are ready to at least lay some of the groundwork for that debate, when it occurs, and particularly to talk about this important issue as the President has now laid his budget before us. We can begin to analyze it both for its general purpose and how it may affect the debate.

So we would like to take a few minutes here this evening. I would like to begin by yielding to my colleague, a member of the Armed Services Committee, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Madam Speaker, I thank my colleague for yielding to me.

I, too, am disappointed that we could not engage in the Oxford-style debate that was to take place tonight between two Members of the Republican Party against two Members of the Democratic Party on the issue of further cuts in defense spending, which was going to be the position of those in the majority.

I would like to say at the outset that even though there were two Republicans against two Democrats on this issue, my position would have been at the outset that there are many, many Democrats, including most on the Armed Services Committee, who are, in fact, in agreement with the position that we would have taken that further defense cuts would not be in the best interest of America, our national security, and freedom-loving people around the world.

□ 1750

This would not have been, in my opinion, a Democrat versus Republican debate. It would have been a debate between those who are the majority in the Congress who feel that we are at the point where we cannot cut defense spending any further.

I would like to start out, Madam Speaker, by just highlighting where we are today, because unfortunately, the perception out there across America is that somehow we have dramatically increased the amount of Federal tax dollars that are sent to Washington being spent on the military. Nothing could be further from the truth. I have a chart here that I would like to refer to, which I would be happy to share with any of my colleagues, or perhaps anyone nationally, who would like to see it, that shows defense outlays as a percentage of our Gross National Product.

Most industrialized nations compare their defense spending or other areas of spending as a percentage of their gross national product, or a percentage of their total Federal outlays. That is what we are going to do here.

In the 1960's, following the Korean war, America was at relative peace. We all had thought at that point in time there would be no major war, things were stabilizing, and we could revert back to a peacetime economy and a peacetime scenario. During John Kennedy's tenure in the early and mid-1960's, we were spending 9.1 percent of our Gross National Product on the military, and roughly 51 cents of every Federal dollar that was sent to Washington was spent to support our national military and our national defense.

If we look at where we are today, as we have seen defense spending decline, this year's defense budget will see us spend roughly 3 percent of our Gross National Product on the military, and about 17 cents of every dollar on the military. So whichever mechanism we use to compare defense spending, it has actually been cut dramatically. In fact, the only area of Federal spending receiving such massive cuts is in fact our defense budget.

It was kind of ironic when President Clinton stood in this very room just several weeks ago and slammed his fist on the table and said "no more defense cuts." I would like to believe our President, but if we look at what he requested for this next fiscal year, and the following 2 years, it is actually less money in each of those years than what we are spending today. In my book, and in most of our books, that is a cut, so we continue to see requests to decrease military spending.

In fact, if we look at the President's 5-year budget plan, which many of us opposed because of this condition, $128 billion of cuts over 5 years would be in the defense area, many of them unspecified. One of our biggest problems this year is going to be to deliver on the second year of the 5-year defense cuts that President Clinton used to base his budget numbers on. In fact, there are many, including former Secretary Aspin, in his bottom-up review, who have already said we need to increase spending just to be able to keep up with our military needs this year.

What is most troubling about the defense numbers is not so much that we should pull a number out of the air, because that is not the way we should decide the level of defense spending. In fact, many of us on the Committee on Armed Services are outraged because that is how the President evidently arrived at the $128 billion number.

I say that using two quotes, one from Senator SAM NUNN, who, when the original budget numbers were given last year, said that these budget cuts were pulled out of the air. They were not based on some analysis of the threat to America's existence and our facilities around the world, they were simply pulled out of the air by a pencil-pushing budget director over at the White House.

In fact, just today we had a briefing, a closed intelligence briefing, for the Committee on Foreign Affairs by Dr. Joseph Nye, chairman of the National Intelligence Council, and each of the various subheads who were responsible for gathering all of the intelligence on which we can base the threat to America and our security around the world.

Under a direct question from me, Dr. Nye responded that not even he had been consulted by President Clinton nor the people who made that decision as to what our budget level should be for the next 5 years.

What troubled me the most is that we are making these decisions on our budget numbers from this year through the next 5 years largely based on numbers pulled out of the air, not on a threat assessment, not on the reality of the world conditions, not on the potential conflict that could come about from the former Soviet republics, not on the situation in the Middle East, not on the potential for North Korea using its nuclear technology, not on the situation involving Pakistan and India, and other nations in that part of the world, but simply we are basing this on a number pulled out of the air to fit with the President's 5-year budget plan. That really is scary, and it has many of us concerned.

Not only is defense being cut, as proposed by President Clinton, by $128 billion, but the people of America have to understand that Congress is also having its way in cutting defense even further. The defense appropriations and authorization bills that we have passed in the last session of Congress were loaded down with programs that have nothing to do with national security. Funding a $40 million hospital in Denver, CO, was one of the items that many of us tried to question but could not get a separate vote on, or funding special grants to colleges that have nothing to do with defense. All were stuck in the defense bill.

In fact, it was Senator JOHN MCCAIN who publicly has said that in last year's defense appropriation bill, there were $4 billion of unauthorized appropriations, items that found their way in, in many cases having nothing to do with our national security.

When we talk about the defense cuts we are making, we have to add in that a major or a substantial portion of the defense appropriation does not take into consideration the fact that other programs are put in there by Members of Congress that have nothing to do with our strategic interest or our national security.

On top of that, the President has requested approximately $20 billion over 5 years for what he calls defense conversion, and in fact, when one looks at that conversion number, they find out that many of those conversion items have been targeted or earmarked for certain districts or for certain companies or for certain Members, and are not based upon a real concerted effort to find and develop dual use technologies and new emerging technologies from work that we have done in the military.

Madam Speaker, the position that I would have taken if the debate were in fact held tonight is that we must base our defense numbers on the threat that is there and evident to the people of America around the world, and it must be based on scientific evidence that we then discuss and analyze, and systems that are needed to maintain our national security.

It should not be based on some artificial number pulled in by some budget pencil-pusher down at the other end of Pennsylvania Avenue.

Second, if we are looking at ways that we can improve our defense spending, we in this Congress have got to stop using the defense budget and the defense spending process as a cash cow, where we can add in all these other programs that have nothing to do with our national security.

Madam Speaker, I think we must also remember if there is one thing we could attribute to the downfall of communism in the Soviet Union, it is the work and effort of Ronald Reagan, followed by George Bush, in building up a strong military.

It was just recently, as a matter of fact, it was last March that Aleksandr Bessmertnykh, in a conference held here in Washington, said that SDI and the military posture of this country under Ronald Reagan were the reasons why the Soviet system eventually had to back off, and why Gorbachev had to back off, because they could not continue to go up against America on security issues.

No nation has ever been threatened because it was too strong. Our concern is that as we move through the remaining years of the Clinton administration, that we have to be careful that we not short change our military and end up with a hollow force structure, as we did in the 1970's, which just invites despots and leaders around the world to take on our allies and attempt to involve our allies in conflicts that could lead to a world escalation or a world war.

The threat is still there, the danger is still there. One classified briefing that was held several weeks ago, one of my colleagues said that at this point in time there were over 60 hostile actions taking place today between countries and between people and ethnic groups, any one of which could involve America, so this notion that somehow things are all rosy and we have no more concern for national security is just totally untrue.

Before I yield back to my friend and colleague, the gentleman from Arizona, JOHN KYL, I know he is going to talk about the need for nuclear deterrents and for ballistic missile systems to deal with the threat they pose, which I have not even talked about, which are also major concerns of the American people.

We have to understand that as the debate unfolds on the President's budget, this year and in the out-years, we have to deal on facts and reality, not on perceptions. What the President did in this room, in the State of the Union, in pounding his fist, was nothing but a perception that he is not going to let defense be cut any more. That is just not what is happening. It is not borne out by the facts and it is not borne out by the budget numbers contained in the document that I sent up here yesterday.

I urge the American people and our colleagues to be vigilant as this process unfolds.

□ 1800

Mr. KYL. Madam Speaker, I would ask my colleague if he would just take another minute to explain the other chart that is on the easel behind the one that he has talked about, the color chart which I think graphically demonstrates another point, and that is the comparison between defense spending and the domestic spending that has increased over the years, and I yield to my colleague for that purpose.

Mr. WELDON. I thank my colleague for again yielding. I am happy to explain this very vivid chart which I think describes what is again a misconception. The people of America have again been to some extent hoodwinked into thinking that all of our Federal dollars have gone for the military and we have cut domestic discretionary spending and mandatory spending dramatically. Nothing could be further from the truth.

If you look at this chart which provides cumulative real changes from fiscal year 1990 through fiscal year 1999 you see almost a 40-percent increase in mandatory spending programs, the entitlement programs, you see a 12-percent increase in domestic discretionary spending, and yet you see a 35-percent decrease in defense outlays, an actual decrease. The only area of the budget that we have cut in the last several years and are proposing to cut in the future are in fact national security and defense.

This President, even in cutting his Federal workers, and he counts that heavily, what he does not tell the American people is the bulk of those workers are going to be Pentagon workers, they are going to be the people who work for the military, the young people who committed their lives and their careers to defending this country. What he also does not tell the American people is, looking at two studies done, one by the Office of Technology Assessment and the other done by the Congressional Budget Office, using the numbers that they had available for the original Clinton 5-year cuts in defense, the estimates of job losses in America over the next 5 years will range between 1.2 and 2.8 million workers who will lose their jobs. These are both uniformed personnel at the Pentagon and people who work for defense contractors and the defense industrial base. There are only 5.5 million Americans who work in the defense industry right now today, and what we are talking about is seeing up to one-half of those people, one out of every two workers get a pink slip. And the problem is we have no place to put them. We have no jobs that can take their skills and their knowledge and reemploy them, and that is what is so outrageous, that we are doing this in a vacuum. Not that we should keep the defense budget high just to employ people, but there has to be some thought process given to where these people are going to go to work. That has not happened and it does not exist today, and all across America tens of thousands of husbands and wives are losing their jobs and do not know what to do because of the drastic downsizing that is currently occurring with our military, while at the same time, by the way, we are increasing dramatically domestic spending.

Mr. KYL. Madam Speaker, I appreciate the eloquent statement by my colleague from Pennsylvania, KURT WELDON, who serves on the Armed Services Committee, and who, as he indicated, participated in a hearing just this morning, an intelligence hearing describing the threat that is posed to us around the world and from the intelligence point of view the kinds of things we are going to have to do to meet that threat.

To just play for a moment on one of the last points made by my colleague, and these are statistics that I borrowed, by the way, from the former Secretary of Defense, Dick Cheney, who points out the fact that it takes 9 years to build a modern aircraft carrier from authorization to deployment. It takes about 25 years to train an officer capable of commanding a modern armor division in combat, and it takes 13 years before a new Navy aircraft can be deployed. So Madam Speaker, it obviously is the case that you cannot draw down a force and rebuild it overnight. And my colleague from Pennsylvania, in pointing out the number of people both in the civilian jobs and in the military who are being given the pink slip, as he put it, or are going to be out of this process, our military industrial base will be gravely undermined, and yet because of the severe time periods here that it takes to rebuild the forces, we would not be able to respond quickly to a crisis, but rather would have to take a long time, 9 years, for example, to build a modern aircraft carrier, and in the case of training an officer, 25 years. So we are talking about a very serious proposition when we talk about a rapid build-down, quite an oxymoron that, build-down, but a very serious proposition when we consider the time constraints and then rebuilding that force back up.

So to restate some of the statistics that demonstrate the fact that we are actually significantly cutting defense spending now, whether measured as a percent of gross domestic product or as a percent of the Federal budget, here are the quick numbers again: Defense spending has dropped since 1985 from 27 percent of the Federal budget to less than 17 percent, which by the way, Madam Speaker, is the lowest share of the Federal budget since before Pearl Harbor. Defense spending has dropped to just 3.9 percent of the gross domestic product versus 11.9 percent at the time of the Korean war, 9.1 percent during the Vietnam war, and 6.3 percent during the height of the Reagan buildup. And finally, since 1950, as my colleague pointed out, entitlement programs have grown from 18 percent of the Federal budget to over 50 percent, and have become the largest single sector of U.S. Government spending, while defense, of course, has gone from about 50 percent down to less than 17 percent.

So the first point that I think we would have made had this debate occurred this evening is that we have already cut defense spending significantly. And as the President said, whatever else you might think about his plans for cuts over the next 5 years, as he said from that podium a couple of weeks ago, we cannot cut defense spending any further.

Now why is that so? We are not talking about abstract numbers here or, as my colleague pointed out, just to keep people employed. We are talking about

the need for a strong defense in order to maintain world peace.

Madam Speaker, we talk a lot about our crime problem, and one of the things we want to do about that is to put more cops on the beat. And as a matter of fact, the President proposed spending a lot of money to put more cops on the beat. Why do we do that? Why do we want to have more cops on the beat? To deter crime. The more cops you have on the beat, the less crime you are going to have committed on the streets, and the same thing is true internationally. As long as the United States maintains a strong overwhelming presence, and we can back up our foreign policy decisions whatever they may be, other people in the world are not going to mess with us. They understand what happens with people who argue militarily with the United States of America.

But as soon as our defense begins to deteriorate, as it did during the 1970's, as soon as others believe that they can get away with trouble around the world, then you see these hot spots that my colleague pointed out begin to crop up. And nations test our will, and when they find that will wanting, and when they find us unable to meet threats all over the globe, then is when you see trouble begin.

I suspect that was one of the things that was going through the mind of Saddam Hussein. Who could have predicted that he would be the aggressor against Kuwait, but very quickly that threat developed, I think, because among other things, he did not think we would respond. I think he was the most surprised person in the world when he saw the resolve of President George Bush and eventually the Members of this body, Madam Speaker, who agreed to support the President when he said we are going to stop that aggression, we are going to kick Saddam out of Kuwait and take away his capability to threaten his neighbors in the future.

But we were able to do that. Why? Because, the United States, as shown on an earlier chart, during the first part of the 1990's built up our forces to the best, the strongest, the most capable military force the world has ever known. It was not only strong from a personnel point of view and from the point of view that we had the best trained people, but also because they were the best equipped with the most technically advanced weapons ever. And what was one of the results of that, in addition to the fact that we were able to repulse an aggressor, kick him out of where he had gone and ensure that he could not threaten his neighbors for a long time to come? One of the results of that kind of capability was that this was all accomplished with the lowest rate of casualties of any comparable military conflict in the history of the world.

That is something that we tend to forget, Madam Speaker. One reason that we want to put money into defense, to train people well and to have the right kind of equipment is because we know that then when we send our young people into harm's way they will do our will at minimum risk to themselves, and to every mother and father, to every one of us who vote to put them in harm's way, nothing could be more important than making sure that they can do their job with the least risk of harm to themselves.

When we play this game of marginal benefits, of trying to see how close to the line we can get before somebody attacks us, we not only invite that kind of trouble around the world, but we also guarantee when we do have to respond that young men and women, Americans in uniform, will die needlessly, and there will be needless casualties. We have history to back us up in this respect. Dick Cheney used to talk about World War II when we had such a dramatic falling off of the military budget and the end strength, and we ended up in Korea with a lot of lives lost unnecessarily because we had not learned the lessons of the past. So there are important lessons here to be learned historically.

Let us talk a little bit about the threats before we wind up this evening. We heard testimony today, as I said, about threats around the world. It is interesting that Jane's Defense Weekly reports there are a total of 73 flashpoints worldwide today, some not presenting significant threats to world peace, but certainly some that do.

□ 1810

If you just look about where some of these things are, where some of these conflicts are, you can see that there are potential flashpoints that could very easily involve not just the United States but literally the world.

One that tends to be forgotten about even though it is very much in the news today is the Balkan crisis, that which spawned World War I. We tend to think of the trouble in Bosnia today as demanding a response because of the shelling of Sarajevo. What we tend to forget about is the fact that you have a very tense situation on the border between Serbia and Macedonia, that if there should be a conflict there or in Kosovo, in the Kosovo region, you could easily involve countries like Greece and Turkey which are building up at a fairly significant rate, Madam Speaker, and before long you could bring in a lot of other countries in the world into a very bad situation.

Mr. WELDON. Madam Speaker, if the gentleman will yield, I just think it is appropriate at this point as the gentleman is talking about the Balkans and the potential conflict there that here we have an administration that is downsizing the military dramatically, and we were going to have a discussion about further downsizing further even beyond what President Clinton is asking for which I think would be outrageous, but the same administration is in fact deploying our troops to more of the hot spots around the world, whether it be Macedonia or surrounding Haiti or the promise of 25,000 troops into the Balkans or whether it is the troops that we have over in Somalia that we withdrew and then put back in again because we were embarrassed because we had taken them out too quickly; we have troops literally in more places today than at any point in time in recent years and at a time when we are cutting back the military.

What does this mean? When I was in Somalia 1 year ago almost to this very day in Mogadishu with the appropriators, we talked to some young marines at a base camp in Baidoa, and they said, "You know, Congressman, our biggest concern is that for three of the last four holiday seasons we have been deployed. We go from one operation to another. We have no time to regroup. We have no time to go see our families. We have no time to get ourselves together. We are constantly being deployed from training exercise to mission to commitment."

What we have to understand in this body and what this administration has to understand is that it is not just saying cut defense, because you are talking about a direct impact on people's lives, young men and young women, and what really kind of scares me, and it ties in with the gentleman's point about the potential involved in the Balkans, is we cannot keep doing both things. Some Members of this body have done that, they have voted for us to stay in Somalia longer than we should be, and we should have been out of there 6 months ago, and they want us to deploy troops to Haiti, but they do not want to pay for adequate support for our military to provide those services. Those two things just cannot continue.

Mr. KYL. The gentleman makes a very valid point.

We have an all-volunteer service. We rely upon people to join the service. When they find that they are going to be deployed over and over again without that period of R&R, it certainly diminishes their incentive to continue to serve and for others to decide to serve.

To just expand on the point that the gentleman made, the United States has used military force more than 240 times since 1945, and well over 80 percent of those uses of force had nothing to do with the U.S.S.R. or any Warsaw Pact country. So, Madam Speaker, although the cold war is over, we found historically, and certainly today, that much of the conflict around the world or the potential flashpoints do not involve anything approximating the cold war, but the kind of ethnic violence

and other kinds of long-simmering disputes that could well swell into a more significant kind of crisis.

One of the comments that was made today in the hearings that the gentleman referred to by Dr. Joseph Nye, who is chairman of the National Intelligence Council, is this, that the problems that come along as surprises are quite considerable. That is a direct quotation from his testimony. His point being that you never know for sure where the next conflict is going to be.

I think that it is interesting that well over 90 percent of American uses of force between 1945 and 1993, and let me repeat that, between 1945 and 1993, well over 90 percent of the American uses of force were not included on the scenarios used for planning U.S. Forces the year before, and well over 90 percent involved less than 3 months of strategic warning. That is a very interesting statistic.

In fact, the uses of force for which the United States strategic planners did not shape force plans or have strategic warning included Korea, the Berlin Wall, the Cuban missile crisis, Vietnam, Grenada, Panama, as well as the gulf war, Somalia, and Bosnia. So history shows us in very graphic terms that you cannot always predict where the next conflict will be.

I mentioned the Baltics. How about the Korean Peninsula? Here you have a tinderbox situation that could easily erupt into a major conflagration, and, of course, as my colleague pointed out earlier, if we had a better strategic defense system, a ballistic missile defense, we would not have near the crisis there that we do, but because we do not have the kind of missile defense system deployed which could obviate the threat from North Korean missiles, we are faced with a very serious potential threat.

We have China, which is rearming itself at an alarming rate, and an economy growing also at an alarming rate, I should not say alarming, but at a most impressive rate. The combined factors could certainly suggest that in 10 years or so you could have a potential threat there if the leadership in China should change.

The same thing is true about the leadership of Russia. Today we do not feel threatened by Russia, but certainly missiles, 27,000 warheads of nuclear material, pose a very serious threat should the leadership of those countries be changed and should they be redirected at the United States or our allies.

This is not even to mention the Middle East with Iraq and Iran, certainly Iraq wanting to cause more trouble, and Iran causing terrorism problems around the globe and on and on and on.

Madam Speaker, the point is this, that we know there are dangerous situations, that the world is still a dangerous place. We know the most serious conflicts that have arisen we did not have adequate warning of. We know just as sure as we are standing here that there is going to be conflict in the world. We know that before the end of this century we are going to need to deploy our forces in some way in harm's way, and yet we have folks in this country who would continue to denude the military of the manpower, the technology, the ability to meet these kinds of threats. I will simply allude to, and not quote from, a report done in July of 1993 by my colleague from Arizona, a member of the Senate Armed Services Committee, Senator JOHN MCCAIN, the title of which is "Going Hollow, the Warnings of Our Chiefs of Staff." It is replete of page after page after page of examples of our military forces now facing a hollow-force situation because of the inability to fund and afford repairs, equipment replacements, the kinds of things necessary for training and readiness, aircraft parts, shipbuilding, maintenance, on and on and on. That is the kind of hollow force that was created during the 1970's which occasioned the need for the kind of buildup done at the beginning of the 1980's.

Madam Speaker, I think without going into a lot of detail, the points that we have established here tonight, and we certainly want to debate when we have the opportunity next time are that we have already cut defense significantly, that compared with other spending, defense has become a very small part of our budget, that there are still many threats in the world, the world remains a dangerous place, and that, as a matter of fact, we cannot predict where the next conflict will arise. We know we have to be prepared for it.

We know that when we are strong we are able to deter aggression. We are able to dissuade people from engaging in bad conduct around the world.

As I said, we have more cops on the beat in order to deter crime. We do the same thing with a strong military force, so it becomes dangerous to marginalize that force and invite risk, and it also creates a much larger threat that there will be casualties once we have to engage our military forces.

Defense is a lot like insurance, I guess I would say. It is interesting to me that in this very body people are debating day after day the need for universal health insurance to insure against unknown and even unlikely problems with our own personal health, but we understand the need for that kind of insurance, and yet at the same time they are not willing to recognize the fact that we also need to have insurance against unknown and even unlikely threats against our interests around the world, that that insurance is our defense.

We do not know exactly where we will need it, when we will need it, or what we will need. But we do understand just as sure as we are here we will need to have that kind of force at some point. We dare not reduce our ability to the point that we invite aggression or create unnecessary casualties with the people that we send in harm's way.

That is why we strongly stand for the proposition, as President Clinton said from this Chamber a couple weeks ago, we cannot cut defense further.

I look forward to the debate with our colleagues about this proposition when we can reschedule it and look forward to the debate over the authorization and appropriations bill on defense when those matters come before this body as well.

Madam Speaker, that concludes my remarks.

□ 1820

OUR GOVERNMENT SHOULD BE RUN ON A MORE BUSINESSLIKE BASIS

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, it has been very interesting here in the last couple of days to see all the publicity and so on about the administration's budget proposal. I thought this evening would be a good time to visit with you a little bit about something that I think is very important in regard to that.

First let me tell a little story: This fellow was at school one day, and the schoolteacher came up to this young fellow, and she says, "I want to know how good your math is. If I gave you $2, and your father gave you $4, how much money would you have?" The child looked at the teacher and said, "Well, I would have $2." The teacher says, "You don't know your math very well." The young student looked up at the teacher and said, "You don't know my father very well."

This leads into what I wanted to talk about tonight, and that is how well do we know the Government? How well can we depend on our Government not to come up with a budget, with programs, but to come up with efficient and effective business operations, to manage the Government, to manage your taxpayer dollars?

Let us talk about the difference between Government programs and the private marketplace. We all know from basic economics 101 that in private business you are in business to make a profit. You are in business to provide a product, and you hope that the demand for your product exceeds the supply, so that you could make the maximum amount of profit.

But if it is vice versa, if the supply exceeds the demand, you have to run your business in such a way that you can continue to operate your business, but you need to run your business, you need to tighten down, make cuts, you need to have a fine-tuned operation in order to be able to survive the kind of scenario where the supply exceeds the demand.

In the Government side of it, the Government does not need to do that. The Government does not need to make a profit. Now, granted, the Government in some programs where it was never intended that the Government make a profit, nonetheless in those programs where the Government was never intended to make a profit, those programs need to be run in an efficient, businesslike operation.

Now, Government was never intended, nor should it, compete with the private marketplace. When you talk about a product that you can make a profit on, the Government has never been very successful in doing that.

Take a look, for example, at the U.S. postal operation. Compare that to the United Parcel Service or to the Federal Express or some of these other agencies in the private sector. Take a look at the difference in the business operations, take a look at the difference in who needs a profit and who does not need a profit.

Well, tonight let us explore a little Government business operations because I think, as the President talks about his budget, as Congress begins to look at the President's budget, that we need to say and ask of every agency, "What kind of business operation do you have? Do you have the kind of operation where the dollars that we put into your agency, that we take, by the way, from the taxpayers of this country, the dollars that we take from the taxpayers and transfer through the bureaucracy to your agency, are we getting the most bang for our buck?"

In most cases, I certainly think all of you and certainly our constituents would probably say "no."

You know, if we were able to run our Government's business operations in an efficient manner, in a manner comparable to businesses that have to operate for a profit, I do not think we would have a deficit. I think the waste that we would have been able to save over these years because we ran an efficient business operation would have us out of the problem that we face today with our deficit. That deficit, which is accumulating at the rate of about $37 million an hour—$37 million an hour of the taxpayers' money—we are spending that number more than we are bringing in. Is that an efficient business operation? Of course, it is not.

Let us look at other programs, let us look at entitlement programs. The entitlement programs, a lot of those are good programs. A lot of those had good intent when they were first proposed, when they first materialized. But do you know how much more good we could do for the poor people who need those entitlements, how much more we could give to them if we simply had efficient business operations? And we do not. It would be interesting if you could, however—and by the way, I do not think you can, through the complexity of the Federal budget—but if you could track a dollar from a taxpayer, transferred through the different Government bureaucracies, off to Washington, DC, transferred back through the Government bureaucracies back to your home State, for example, and see how much of that dollar originated in your State, went to Washington and came back through the entitlement program maze, how much of that dollar really goes to the needy person or to the person who is designed to receive that entitlement?

Take a look at our entitlement programs. Any of you who question my logic—and, well, it is not my logic, but it is basic logic found in business courses, even high school business courses—but if any of you have any question about the efficiency of the entitlement programs, for example, go stand in the grocery stores for an hour and a half and see how confident you feel about the delivery of food stamps in this country, how confident you feel in the business operations of the distribution of food stamps.

Take a look at other programs. I saw an interesting statistic today: $109 million in new Federal loans to students who had already defaulted on their old loans.

Now, how many banks out there, through their business operations, continue to loan that kind of money to customers who have already previously defaulted on prior loans? It does not happen. Or, if it does happen, the bank does not stay in business for a very long period of time.

Let us take a look at some other things. Let us look at the events of the last 2 weeks, if you want to talk about business operations. I have a good example here, the earthquake in Los Angeles, CA. There is not a person on this floor, there is not a person in this country, who is not willing to go out to somebody who really needs help, somebody who really deserves. There is nobody I know that would deny it to them. But how many of you out there are aware, for example, of the kind of problems that we are having in the business operation of the distribution of the earthquake relief money?

We had to close down food stamp lines because they were just handing them out, just handing them out. Nobody asked for qualifications.

I have right here a document from the Immigration Service, and the essence of the document is that the INS, the Los Angeles district office of the INS, states that the agency will not, will not play any role in identifying the immigration status of anyone applying for assistance. Here is a Federal agency charged with business operations and charged with the responsibility of helping other agents determine whether or not the individuals who come to these other agencies and ask for benefits or ask for eligibility, they are to help them determine whether or not they are eligible.

For the earthquake, what they have decided to do was to turn their head the other way, "Come one, come all. It doesn't matter whether you are qualified."

How many businesses out there in the private marketplace, through their business operations, could take that kind of philosophy?

Do you know why it is easy for the Government to take that philosophy? Because it is not our dollars, it is your dollars, the taxpayer dollars. It is a lot easier to spend somebody else's money, a lot easier to turn your face the other way on eligibility requirements when it is not money coming directly out of your pocket, it is coming directly out of the taxpayers' pockets. That is where our problem on business operations takes place.

Mr. President, we can make this budget work if we spend some good time, some real good time on looking at the business operations of governmental agencies.

You know, I could go through lots and lots of examples. Let me tell you how I think particular programs lose their business operation aspect point of view and are kind of overshadowed by emotions and other issues. Take, for example, the great war on poverty. Some of you can remember when President Johnson, with good intent, not with ill intent—and by the way, I think a lot of these programs are not bad programs necessarily, they are just ill-administered. Most of these programs start with good intent.

But look at the program in 1964, the great war on poverty, the war on welfare, we are going to eliminate poverty. When that first—let me say it this way: Since 1960 we have spent on an annual basis seven times, our spending has gone up seven times, and, you know what, we have just about the same level of people in poverty.

□ 1830

How can that occur? What would any other business—how could they operate like that? If a business, for example, if a business is making $10 products at a cost of $10, and then the cost the next year, and then several years, they are still making $10 products at a cost of $70, somebody in that business operation, in that private business, is going to say, "What's going on here? We can't survive. What's happening to our cost of the product? What are the costs

of goods sold? Why that expense? Why is it triple?"

Well, I can give my colleagues an example in the Government. Our costs have gone up sevenfold. The number of people in poverty remains relatively the same—not exactly the same, but relatively the same. But take a look at what we do.

I say to my colleagues, "First of all, when you start a program in the Federal Government, you get a lot of special interests, and you got a lot of emotional special interests."

Let me tell you, "If you stand up to the earthquake in California and say, 'Wait a minute, I want to question the business operation of how we are going to contribute the relief funds for the earthquake victims,' not questioning the intent of the people who really need help, but questioning the business operations and the distribution, the first thing that happens is that the parties opposing you will say, 'How—the guy is without heart. He doesn't care about the people that need help in California. He's ruthless. How could he dare stand up and question earthquake relief for people in California or back in the floods? How could it possibly happen?' "

Madam Speaker, that is because the interests back here in Washington, DC, are so immense that many times to the political structure and to the bureaucratic structure they force those of us who are responsible for the business management of this Government, they force us to put business operations aside and let emotions and other factors, politics, drive the results.

It would be OK, I guess, if the results were positive results, but the results are $37 million an hour, every hour of the day, that we go in the hole. It does not work out.

As my colleagues know, in a lot of these programs, if we decided, "Let's don't go through the distribution problem, let's don't go out and hand out benefits like this; let's just give everybody who is eligible, let's just give them some tax relief," we would save lots of money if we just gave the tax relief instead of trying to set up the bureaucratic nightmare of business operations and distribution in these funds.

Then we got, not just special interests, but we also have, and I do not know what to call it, programs that are expanded. For example, the Small Business Administration expanded to include other programs that no one in this country ever had any intent for that program to cover.

Let us look at the Small Business Administration. The Small Business Administration has the purpose of going out for, as it sounds, small business, encouraging small business and making available to small business capital in the hopes that the backbone of our country, in regard to the business field, which is small business, has access to capital and that the mom and pop operation has an opportunity to expand, has an opportunity to employ people. That is the theory of it.

Well, take a look at the Small Business Administration budget. Take a look last year at the amount of money that the Small Business Administration was supposed to, under the intent of the concept of the small business agency, was supposed to use for small business loans and instead got an item put in our budget to use to plant trees.

Now, Madam Speaker, planting trees is not a bad idea. A lot of us understand that planting trees is a good idea. But should the Small Business Administration be spending tens of billions of our dollars, of the taxpayers' dollars, to plant trees?

I ask, "Do you know what? That each dollar that was spent for planting trees, do you know what that would leverage on the street as far as small business loans?"

The ratio on minority loans, where our leverage is the highest, is 1 to 20 for every dollar that the Small Business Administration was using to plant a tree. They could leverage that for $20 worth of loans on the streets for small businesses of America.

And I ask my colleagues, "Is that an efficient business operation? Is that what a business in the private marketplace, which hopes to survive, is that something, a practice, that they would do?" Of course it is not. It cannot be.

Madam Speaker, I say to my colleagues, "You can't operate like that—well, unless you're the Government; let me take that back, and unless you've got what seems like an endless resource of revenue coming in."

I say to my colleagues, "You know, if you have an automobile dealership, your source of revenue depends on a couple of things: No. 1, what you have to pay for your product; No. 2, what you're able to sell your product for; No. 3, what are your overhead costs, what does it cost you between the time you get the car, and the time you sell the car, and service the car down the road. You have to look at each of those very carefully because the money that you are spending usually is your own, and, if it is not directly out of your pocketbook, you have got property that you own leverage with the bank, and it will eventually come directly out of your pocketbook. So, your business operation, just by the consequences of the result if you don't succeed, are pretty efficient, your business operations. They have to be or you're not going to be in business."

However, Madam Speaker, the Government pulls its money from the taxpayer, and, if things do not go right for the Government operation, they just pull more money from the taxpayer. And, if things do not continue to go right, they just pull more money from the taxpayer, and the minute that the taxpayer stands up to complain, then the special interests that are impacted or receive benefits from the money that we are taking from the taxpayer and distributing out onto the street, then those groups who have—who, by the way, have use of that money and those resources to come back here and capitalize, lobbyists in the Nation's Capital, rise and have a public outcry. How could Congress dare increase the business—I mean make the business operations more effective?

Of course they do not use those words. They say, "How could Congress dare cut this program? How could Congress dare ask us whether or not entitlement dollars are really going to the people that need entitlement dollars? How could Congress dare question the bureaucracy, and the tree planting, and the Small Business Administration?"

Well, Madam Speaker, let me say I think there are some solutions that we can put into place to help the U.S. Congress and to help the Government, the guardian of the taxpayer dollars in this country. I think there are some things that we can put into place that will help us at the Government level make sure that the operations that we have, the taxpayer dollars that we use, are used effectively and in the same type of operation that private business would conduct.

Let us go over a couple of them. First of all, what about privatizing collections? "It is amazing," I say to my colleagues, "if you owned a business, and let's go back to the car dealership. You have got a car dealership in Glenwood Springs, CO, and the owner of the car dealership is a fellow named Kohler, and Kohler sells these cars, and Kohler, when he brings in, he has an accounts receivable, an accounts receivable, meaning money that is owed to the dealership. Somebody comes in, buys a car, does not have the cash to pay for it. So, Kohler says, 'All right; you owe me. You owe me $10,000.' "

Well, as my colleagues know, what happens is Kohler has to make sure that he collects on that $10,000, and every month, probably every week, he gets a printout that says, "Here's how much money is owed to you, but it's not in the cash register. You're not able to use it. It is owed out there."

Kohler has got to make sure he has got good credit risks, and he has got to make sure he can collect on the money.

The Federal Government operates much the same way.

I say, "Your income tax, for example; everyone in this room pays tax. Everyone across the country is supposed to pay taxes although we have millions, and millions, and millions and millions of taxpayers who have not paid their taxes, who the Federal Government knows where they live. They know what they do, but they have not gone after him to pay the taxes which, of

course, increases the burden on all the rest of the taxpayers."

In other words, Madam Speaker, the Government is absolutely lousy, lousy, in collecting the debts owed to the Government.

Now do not feel sorry for the people that are not paying their debts because those people that are not paying their debts are putting an additional burden on those who are.

Now, granted, if we have somebody out there who, because of a disability is not able to pay their debts, we have got plenty of programs through Government agencies to help them out.

So, we need to privatize collections, Madam Speaker.

□ 1840

Let us talk a little more. What are some other solutions? Sure, I can get up here and criticize Government business operations. But what are some other solutions?

First, we talked about collections. Let's talk about management of personnel. One of my local communities, Grand Junction, CO, they took a look and they compared the pay of Government employees with the pay of private employees. That is a step in the right direction. You have to make sure that your Government employees are being treated much the same as your private market employees. You have got to have a hand on personnel.

I would challenge any of you to show me a Government agency that has terminated, not retired, early retirement, not transferred out, but terminated more than a handful of employees. It doesn't happen with Government.

Now, take a look at any town in this Nation and any number of businesses, and most of those towns, you are going to find businesses that have to terminate people. One, maybe because the people aren't performing. Two, maybe the car that they are selling is not bringing in what the car costs them. They can't continue to operate. Or in the transaction between buying the car and selling the car, the overhead costs are out of line. But the Government doesn't do that. The Government needs to improve its management of personnel.

Let's take a look at what charities do. Remember the big fraud of the charities back in the early eighties? And everybody was saying, gosh, you know, we give $1 to so and so charity, and that so and so charity uses about 98 cents for administration, and 2 cents of it goes to the person who the charity said it was going to go to, the whole dollar was going to go to.

People started across this country to get very upset. The Federal Government is no exception. Take a look at what happens to the dollar the Federal Government takes from you the taxpayer and what percentage of that goes for administration, for bureaucracies, for unnecessary paperwork, before it goes to where it was supposed to go or before it was targeted to go.

What we did with the charities, somehow we exempted ourselves, but what we did with the charities was say, "Hey, you need to start, if you wanted to be successful as a charity, you have to start telling people what percentage of the dollar that they give to you, that they donate to you, what percentage of that goes to administration costs, and what percentage goes to the recipient."

I was privileged. I got to hear a discussion at a rotary club recently from United Way of Pueblo, CO. The first thing they say is here is the percentage. I think it was, I don't know, 5 percent, maybe 8 percent, here is the percentage that stays for administration. So 92 cents out of every dollar that you give to us goes to the recipient you intended, and 91.5 cents stays local. They have to go out there, and one of the first statements in their presentation, is how your dollar is being effectively used.

But that is not what you hear from the United States Government or probably for the most part from most governmental agencies. They don't stand up to you on April 15 and say all right, we are going to take a dollar from you in taxes, and here is what percentage of that dollar goes to the entitlement programs, for example, and by the time it gets to the person on the street that needs that entitlement, here is the percentage of the dollar that they get.

Try and find that some time in that Federal budget. So I think that we need to demand that when the Government takes a dollar from the taxpayer, the taxpayer has every right to know exactly what percentage of that dollar goes to the program that the Government has promised.

Let's talk about what other businesses do. Performance audits. Not just financial audits, but performance audits.

Now, we have performance audits in the Government, but not to the extent that well-run businesses have them. And it is interesting. A lot of the performance audits, even financial audits, have two different reports, one report for an agency or for the bureaucratic, and another report for public disclosure. And then a lot of these performance audits give the agency the opportunity to refuse to follow the recommendations.

Take a look at the Grace Commission. That is not a performance audit by a government agency on a government agency. That was an independent, bipartisan group of people who had to operate business at a profit, who knew something about business operations and effectiveness of business operations.

In their performance audit, they made 2,500, that is a guess, recommendations. That is pretty close, 2,500. And the Federal Government followed less than, what, 500 of them? What is the explanation for the other 1,500? Why didn't you follow that performance audit? We have every right to demand that the U.S. Government have performance audits on its operations.

Let's talk about some other basic things. Let's talk about budgets. When Kohler's Automobile Shop, or pick another example, Carol's Gift Shop down in Colorado, when Carol's Gift Shop at the end of the year closes its books and prepares for the next year, they have to do two things. One, when they close their books, they have to be accurate. And they have to be complete. Because the Government, Uncle Sam, has something called the IRS, that comes in and makes sure Carol's books are complete and are accurate.

Carol has to do something else. She has to budget for the next year, that is, if she is going to stay in business very long. You have got to anticipate. You have got to budget.

Well, when she makes a budget, when she puts together a budget, she includes everything in the budget. She includes her income, and she includes her projected expenses.

What would happen to Carol's budget if all she did was include the income, but only put on the budget half of the expenses? In other words, well, I am going to have $10 in income, and I am going to have $10 in expenses, but I am just going to put on my budget $5 in expenses.

Who does she fool? She fools herself. She needs to put the accurate expenses on there. She may feel better that she shows $10 in income and only $5 in expenses, although in reality she has $10. She can look at that and say I feel great. I am going to have a $5 profit next year. But as next year comes, she will have fooled herself.

What does that have to do with the Federal Government? I will tell you what it has to do with the Federal Government. The Federal Government has something called off-budget. I heard a newscast last night. Social Security, part of the expenditures, part of the additional expense of the budget is because of the Social Security.

Folks, the Social Security is one of those items they can leave off-budget. What do I mean off-budget? There are two different budgets for the American people.

One budget is the budget where you think you know where your taxpayer dollars are being spent. That is one budget. The other budget is really kind of nonexistent out there. It is items like Social Security, the trust fund. We all know about the transfer of trust funds to help the operating costs and so on.

So what people say, this is the true deficit. When we look at our income statement, that is what we are losing,

$37 million an hour. But they are not even including the items they have got off the budget. You can't get away with it as a taxpayer. Your constituents can't get away with it as taxpayers. And the Federal Government should not either.

Thank goodness today, thank goodness today, the Congressional Budget Office told the President of this country, hey, your health care reform package must be on budget. Can you imagine that the President, the administration, their recommended health care plan was going to be off-budget?

Now, whether you like the plan or not is irrelevant at this point. What is relevant at this point is that every taxpayer in this country has an absolute right to know what any particular governmental expenditure or agency is going to cost him. And they have that right of disclosure. And any attempt to keep a number off budget denies that very fundamental right to you the taxpayer.

So we have to push and pressure our elected officials to keep budget items on budget, that when the Government gives you an expenditure, an income and expense statement, that all of the income is on there and all of the expenses are on there, so that we can judge, we can judge at that point in time, hey, this health care plan may be a good idea. We look at the budget, just like Carol at the gift store. She looks at the budget and says, hey, I can afford to spend that kind of money, because I am bringing in this kind of income.

□ 1850

"This is the right priority."

We need to do the same thing. We need to also look at that budget and say, hey, something is not adding up here. We are spending $37 million more an hour. Most of you out there figure your budgets on how much more you may spend per month bringing in or spending it. We have to calculate it by the hour. We spend $37 million an hour more than we have.

Somebody has to look at that income statement, income and expense statement, and say, the expenses do not equal the income.

And that brings me to my next suggestion. How interesting it is that your elected officials stand in front of the American public and say, we are good at bringing down the deficit. We are reducing the deficit. We are reducing the growth rate of the deficit. Boy, do not ask me to sign on to that balanced-budget amendment.

Let us talk about the two things. Let us talk about the deficit.

First of all, the statements that the deficit is slowing down are in fact true. Remember that these statements do not calculate the transfer from trust funds like Social Security for general operating costs. But overall, the growth of the deficit is reducing. But is that because of the newfound discipline of this body or a newfound discipline there at the White House or over in the Senate chambers? No. It is not because we have a newfound discipline back here in Washington, DC. It is primarily due and directly correlated to the fact that the interest rate is low. And because the interest rate is low, our carrying cost for our own debt has been dramatically reduced. That is your biggest contributor to why that deficit is not growing at the same rate.

What would help us reduce that $37 million an hour that goes out or money that goes out more than money that we bring in? What would help? It is called a balanced-budget amendment.

Folks, every citizen in this country, if they are a law-abiding and responsible citizen, they are expected by their peers, they are expected by their banks, they are even expected by their Government to keep their own balanced budget. Their family is expected to operate with a balanced budget. If you do not, our society declares you bankrupt, and you have to go to court and go through bankruptcy. Or if you write a check on an account that you do not have enough money to cover the check, you could commit a criminal violation.

You are expected to keep a balanced budget; that is, you cannot spend more money than you bring in. You cannot spend more than you bring in. That is what a balanced budget means. That is pretty simple.

Does the Federal Government live by its own standards that it requires of you? Absolutely not. Do most State governments live by that standard? Yes. Do most local governments live by that standard? Yes.

Do most county governments live by that standard? Yes. Does the Federal Government? No. Why not? What is wrong, Government? What about an effective business operation? What about your responsibility to the taxpayer? What about your responsibility for those people who need entitlements? Do they not deserve the most, the biggest bang that the Government can get for its buck?

You can help out a lot more people if you run an effective business operation. Koller can sell a lot more cars if he runs an effective and efficient car dealership. Go out in your own areas, to my colleagues here, go to your own hometown, go to any business and say to that business, how long will you be in business if you operate your business without a balanced budget? "Probably the first month," and they laugh at you. They say, "Come on, get serious."

You want to know why a lot of people have doubt about what goes on in Washington, DC? Not because my colleagues here come here with ill intent. They do not. There are a lot of hard-working, well-intended people out here. The problem, I think, the fundamental problem is not the few cases where we have had abuse by an elected official. The fundamental problem out there is people do not trust you with something that is very important in their lives. And what is that something? It is money. They know how they have to manage money, and they do not trust us with their money. Because they see we do not even follow the basic management philosophies that we require them to follow on their own management of money. We need to have a balanced-budget amendment.

Let us talk about another solution. What else can we do to assist effective business operations of the Government?

We need to go out there and reward the people that are doing a good job. We have a lot of Federal agencies, believe it or not, we have a lot of them out there that are doing a good job. We have got a lot of Federal employees who work very hard to do a good job.

And frankly, they do not get a lot of recognition.

We can always name the bad ones. We can find plenty of agencies that do not have good operations, business operations. But there are a lot out there that do operate effectively.

What do we do? If we have an agency that operates effectively and works within their budget, we go into their budget with any money they have left, and we take the money that is left from the agency that is well managed. We take the surplus money from that agency and give it to the agency which has not been managed properly, which is run in the hole, which needs the money to break even—break even is almost a dream to the Federal Government—which needs the money to help supplement their losses.

It does not make sense. It is like going to an auto dealership on Main Street and saying, "The money you make in profit I am going to give to your competitor right down the street, who has a lousy business operation. We are going to give them this money to help him get through, instead of closing it down, instead of demanding on that other dealership that they run their operations as efficiently as Koller has to run his."

We are just going to take Koller's profits and give it to the other business. That is what the Government does with its agencies. It goes to an agency that runs it well, takes their money and gives the money to an agency that does not. No wonder you get a statistic, a statistic like this.

In the last 2 months, I am not exact on this, but I am very close, in the last 2 months, agencies spend 40 percent of their money. The last 2 months of a fiscal year, they spend 40 percent of their money. What drives that kind of statistic? Because they know if they end the year with a surplus, they get penalized.

Ask Federal employees what their activity, their purchasing activity is like in the last couple months of a fiscal year. Ask them to be straight with you, if they have not witnessed in the Government the kinds of words, "Hurry up, we have to go out and spend this money, we only have 2 months left to spend it. If we do not spend it this year, we will get our budget cut next year. We have to be able to show that we need the money or we will not get money next year."

You cannot do that in business. You are not going to be in business very long, if it happens, and neither should the Federal Government.

Let me conclude with saying what I think. There are lots of other recommendations we could talk about, line-item veto, balanced budget, term limitations.

One of the other things that I think we should visit a little about is do not be afraid, to my colleagues here, to the American taxpayers, do not be afraid to demand of your Federal agencies accountability on their business operations. Do not forget about it.

How many people in the country remember about a very popular program, remember the audit we got 13 weeks ago on NASA. What did NASA audit reveal?

It revealed billions of dollars in cash over the years that they cannot account for. Somebody ought to be remembering that. Somebody ought to be demanding it, despite the popularity of the program, somebody ought to be demanding accountability. Somebody ought to be demanding, and some of you are, somebody ought to be demanding accountability of those billions of dollars that we are sending to California for the earthquake victims, not denying the benefits to the people that need it but saying that the business operation will allow more of those benefits to go to the people that need it, No. 1, and 2, demanding that the people that are not entitled to it or the fraud that takes place on the way down or the Federal agencies that are turning their head the other way have to change their ways.

It is amazing, up here and in my short tenure in Washington, DC, how major some of these problems can be and how quickly they are forgotten.

Take a look. Just turn on C-SPAN, turn on any channel you want, and see how often the word "deficit" is talked about. This week a lot, because we just brought up the budget. But a year ago, 6 months ago, the deficit was the big crisis in this country. It did not go away, folks.

In my opinion, we have not had a whole lot of improvement on it. But now crime has moved to the forefront, now welfare reform has moved to the forefront.

What about the deficit? What about business operations of the Government?

To my colleagues, every one of our constituents, every taxpayer in this country has every right, has the fundamental right to demand of us efficient business operations of the Federal Government.

REPORT ON H.R. 811, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-419) on the resolution (H. Res. 352) providing for consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE NEED FOR WELFARE REFORM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

Mr. TORKILDSEN. Madam Speaker, tonight and over the next few weeks, I will take the floor during special orders to talk about a subject that is often emotional and always controversial. All the same, it is in desperate need of action.

I am talking about the welfare system in the United States today.

We have allowed a program designed to assist those in need to become a monster that too often turns into a long-term addiction. Instead of helping families stay together through tough times, the welfare system encourages families to split apart.

Instead of encouraging single parents to work to find jobs skills, the American welfare system penalizes those who wish to work, and discourages work from any parent who wishes to keep health insurance while taking even an entry level job.

Reform is not enough; we need to completely overhaul the welfare system.

Madam Speaker, a newspaper that circulates in my district—the Pulitzer Prize-winning Eagle-Tribune of Lawrence, MA and reporters Brad Goldstein and John Gill, and editors Alan White and Dan Warner—conducted a year-long investigation of the welfare system as it affects the Merrimac Valley area of northeastern Massachusetts. The abuses documented and the problems identified could happen anywhere in our country.

I will read the series during future special orders to draw attention to this massive problem. Today I want to focus on an overview to problems in our welfare system, and to specifically mention one problem which the Federal Government can quickly correct. The fact that prisoners in jail for misdemeanors can still collect supplemental security, or SSI, benefits.

Current law prevents felons from collecting SSI benefits, but not those convicted of misdemeanors. This means that convicts serving up to 1 year in most States, and up to 2½ years in some States, can still collect SSI benefits.

I have introduced H.R. 3251, with 14 current cosponsors, to end this abuse. No prisoner convicted of a crime and serving time should be defrauding the taxpayers by collecting SSI while in prison.

We must change the welfare system as we know it. I hope this series will begin to outline some of the many problems in the current welfare system, lead to quick action to prohibit SSI benefits for prisoners, and begin debate on a major overhaul of the entire welfare system.

The first article I would like to read is entitled:

[From the Lawrence (MA) Eagle-Tribune]

WHEN WELFARE IS A WAY OF LIFE

(By Brad Goldstein)

A chasm of age and experience separates the worlds of Donna Wrenn and Rosemary Ortiz.

Mrs. Wrenn, 45, is a high school graduate, divorced and a grandmother. She is of German, Scottish and English extraction. She lives on Prospect Hill in Lawrence.

Ms. Ortiz, 26, is Puerto Rican, a high school dropout who went back for her high school equivalency diploma and a single mother of four. She lives in South Lawrence.

Despite their differences, a common thread runs through their lives.

Mrs. Wrenn and Ms. Ortiz have spent nearly 20 years each on Aid to Families With Dependent Children, or AFDC.

Mrs. Wrenn said she started collecting welfare when her marriage turned sour and her options ran out.

Ms. Ortiz was a child when her parents went to the welfare system for help. Today she is a welfare mother herself.

Now the two women, for different reasons, are trapped in the welfare system. They say they would like different lives but they have no incentive to break free.

These women are part of the silent majority of welfare recipients in the Lawrence area. They have seen a system of temporary aid become a permanent way of life for them and, in some cases, for their children.

Once every six months to a year, they go to the local welfare office and speak to a social worker who inquires about the children's education, their father's whereabouts and the possibility of job training.

The only other contact comes when they receive a welfare check in the mail every two weeks.

Names of welfare recipients are kept confidential but both Mrs. Wrenn and Ms. Ortiz were willing to talk publicly about their lives.

Ms. Ortiz said it didn't matter to her because people know she is on welfare when they see her at the welfare office.

Mrs. Wrenn's monthly budget consists of her $538 check from AFDC, which includes child support payments, $181 in food stamps, $1,245 in state-funded foster care stipends for her three grandchildren and a $500 monthly Section 8 rental subsidy.

That is $2,514 a month, or $30,168 a year tax-free, the equivalent of a private-sector job paying $45,434 in taxable income. She

also has free health insurance through Medicaid, including dental coverage, for herself and five children.

"It's hard running a household with the income I receive," Mrs. Wrenn said. "My welfare check is only enough for two of my kids. . . . I believe that's why people (on welfare) are working under the table and not reporting it."

Ms. Ortiz receives $686 a month in AFDC benefits, $268 a month in food stamps, $200 in child support payments, a $339 Social Security check—for one of two asthmatic children—and a $650 monthly Section 8 rental subsidy.

The total is $25,716 a year, tax-free, equivalent to taxable pay of $38,730 a year.

For Mrs. Wrenn, the prospect of work is a nightmare. She said her health, age and family needs all prevent her from entering the job market. She has not been employed since December 1980.

Ms. Ortiz, on the other hand, flatly refuses to work unless the state provides her with day-care and health benefits. She has held a job for only two weeks during the nine years since she had her first child and joined the welfare rolls. She quit that job when her son became sick.

Statistics made public by the welfare department show these Lawrence women are typical in many ways.

Nearly 43 percent of AFDC recipients in the Lawrence area have never held a job.

Department of Public Welfare statistics also show that one in four AFDC recipients in Greater Lawrence has collected welfare for more than five years, 7 percent above the statewide average.

State Welfare commissioner Joseph V. Gallant and Mary Claire Kennedy, director of the Lawrence welfare office, say the main problem with the welfare system is it fosters long-term dependency.

"Years ago, people were much more reluctant to go to the welfare office. Not any more. One reason for that change is there is a growing welfare mentality. A good number of people are generational," Mr. Gallant said.

MISFORTUNES LED TO WELFARE

Mrs. Wrenn said a series of personal misfortunes first put her on welfare in the 1970s. Her ex-husband, who died last year, was an alcoholic who refused to work, she said.

She took a job as a stitcher in a Lawrence shoe factory and received extra income from the welfare department. When her ex-husband threatened to kill her, Mr. Wrenn said, she left him.

"It was a terrible relationship," she said. "I basically got married to get out of the house. I stayed with him for 14 years because I felt I had nowhere else to go."

A short-lived relationship with a friend of her husband led to two other children. She made an attempt to return to work in 1980, but said she quit after suffering seizures and back problems.

"I'm scared to go back into the work system at my age," she said. "I find it easier for people to stay on welfare once you're on because you get more benefits."

Mrs. Wrenn said she sympathizes with irate taxpayers who have supported her for years.

"They're working and we're not. They're working to pay for people," she said. "I did the same thing. Some people do need the help."

Without a job, there is no question Mrs. Wrenn needs the help.

She raises five children, ages 2 to 12 years old, in a third-floor apartment at the crest of Prospect Hill. She has lived there for 14 years. Three of those children are her grandchildren.

She took custody of them last year after her eldest daughter, who was also on welfare, was convicted of prostitution then disappeared from a court-ordered drug clinic.

Mrs. Wrenn said she had learned her eldest daughter was using the children's welfare benefits to buy drugs. Her daughter is now serving a jail term at Framingham state prison, she said.

Two-year-old Alicia, who calls her grandmother "Mommy," has not seen her mother for any extended period of time since shortly after she was born.

Mrs. Wrenn has not given much thought to the idea of welfare dependency. But she said she hopes her other children and grandchildren do not end up on welfare.

She blames drugs for causing her eldest daughter to turn to welfare. "At that time I felt it was the only thing she could do," Mrs. Wrenn said. "I couldn't keep her in the house."

"BORED WITH SCHOOL SO I LEFT"

Unlike Mrs. Wrenn, Rosemary Ortiz spent the first 10 years of her life in a family supported by welfare benefits. The youngest of six children, Ms. Ortiz said her father left home when she was an infant. She has not seen him since.

Her mother still lives in Lawrence and went back to work after her children were old enough to take care of themselves.

Ms. Ortiz was a senior at Greater Lawrence Technical School in 1984 when she became pregnant, dropped out and began receiving AFDC and Food Stamps.

"I was bored with school so I left," she said.

The father was a married man who promised to leave his wife.

"He even bought me an engagement ring," she said. "I was naive."

When the father of her first child left, Ms. Ortiz became involved with his friend. She had three children by the second man in the past nine years. He has agreed to pay $50 a week in child support.

Ms. Ortiz went back to school during the evening and recently obtained a high school equivalency degree which, along with her children's baptismal certificates, she displays on her walls.

Her three-bedroom apartment is also decorated with large color photographs of her children, Head Start diplomas and other records of their achievements.

A television tuned into Sesame Street keeps her youngest children—ages 2 and 3—busy enough for her to finish one of the many loads of laundry she does in a day.

"If they were to cut my AFDC benefits off, I will survive," Ms. Ortiz said. "I read English. I speak two languages. I've worked before. I am not afraid to go to work."

But she doesn't work, she said, because she fears losing health care benefits and food stamps for herself and her four children.

"It doesn't pay to work," Ms. Ortiz said.

Both Mrs. Wrenn and Ms. Ortiz said Gov. William F. Weld and President Bill Clinton should aggressively pursue welfare fraud before attacking their benefits, or setting a two-year limit on receiving public assistance.

"There are people out there who need it and yet there are others who don't and are on it," Mrs. Wrenn said. "They're the ones who are ruining the welfare system."

Ms. Ortiz agreed.

"Many years ago, there was no way to cheat welfare. Now it's a piece of cake," she said. "The system is hard on people who need it and easy on people who don't."

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That article demonstrates what two single parents are trying to do, trying to get off the welfare system, but finding that it does not have the incentives, it does not reward work. It makes it more difficult to take a job in the private sector and much easier to continue to stay on welfare.

The second article I would like to read tonight deals with a very, very different part of the welfare system. It deals with individuals who are in prison, convicted of crimes, and yet are still receiving benefits. It is entitled "State Looks Other Way as Convicts Get Welfare: Prison Convicts Get Welfare Behind Bars."

Heroin and welfare.

For a while, they were Ivan Lebron's bread and butter.

Mr. Lebron sold heroin on the streets of Lawrence, contributing his bit to the decline of a city.

He was arrested three times on heroin charges before he was sent away to jail.

But he went back to work selling heroin after he got out, police say.

For part of the time he was a heroin dealer, he had the support of the Massachusetts Department of Public Welfare. He got a monthly check, plus food vouchers, full insurance benefits and a cover for his activities. He was supposed to be disabled.

John Clough also had taxpayer support for his life of crime.

By his own admission, he was on welfare because he was too addled by drugs and alcohol to hold a job.

But he was fit enough to break into houses and attack and rob an 83-year-old man.

Mr. Clough continued to collect his welfare benefits even while behind bars, which is against the law.

Mr. Clough remains locked up. Mr. Lebron is on the run from another heroin charge. Benefits have ended for both. But there are others like them, perhaps hundreds.

An Eagle-Tribune investigation found:

Almost 300 criminals who did time in the county jail in 1991 and 1992 were already collecting some form of public assistance out of the Lawrence welfare office when arrested. These included drug dealers, burglars, armed robbers, drunk drivers and child molesters.

More than 50 of the convicts on the Lawrence welfare rolls continued to receive benefits in jail. More than 30 actually served full terms with no changes in their benefits.

State welfare officials have ignored a 3-year-old study recommending computer matches to catch prisoners on welfare.

The state provides benefits to people who claim disabilities resulting from drug or alcohol abuse but it does not require them to get help for their addiction.

The investigation included a computerized examination of thousands of criminal records and other public documents, as well as interviews with law enforcement officials and criminals.

Lawrence officials have publicly claimed for years that drug dealers and users and other criminals have taken advantage of lax rules to get themselves on the welfare rolls.

With no need to work and plenty of time on their hands, they have wreaked havoc on the city.

Mayor Kevin Sullivan at one point ordered police to confiscate welfare identification

cards whenever they came across them during a drug raid. Dozens were seized before a court ordered the city to stop because the practice was unconstitutional.

Nothing has been done to stop the welfare department from subsidizing drug dealers.

Welfare officials do not check criminal records before or after putting someone on welfare.

Mr. Sullivan, now an official in the state Transportation Department, said he started seizing welfare cards because drug dealers were ruining the city and "we were paying them to do it. We were subsidizing a drug culture."

"These were mostly young males who were alleging they were disabled.. . . The government was paying them to stand on street corners and deal drugs."

Essex County Sheriff Charles Reardon said he and his staff also believe welfare helps fuel the underground economy of criminals.

Criminals are already on welfare when they arrive in jail and many continue to collect even behind bars, he has found.

For four years, he has attempted to have state welfare officials address the issue. They have done nothing.

ON HEROIN, ON WELFARE

Ivan Lebron and John Clough are examples of what Mr. Sullivan and Sheriff Reardon are talking about.

Mr. Lebron, 32, a former resident of Oxford Street in Lawrence, was arrested on heroin dealing charges on May 16, 1990. He was arrested twice more for heroin while awaiting trial.

His fourth arrest, on June 25, 1991, was for assaulting a police officer. This time he was sent away for a year to the Essex County jail in Middleton.

Mr. Lebron joined the welfare rolls in March 1991, in between heroin arrests. A doctor's note saying he was disabled entitled him to $339 a month in General Relief benefits, plus food stamps.

Mr. Lebron's benefits stopped two weeks after he went to jail, as they were supposed to.

A month later, he was moved to the minimum-security Correctional Alternatives Center in Lawrence.

Despite his claim of being too disabled to work when he signed up for General Relief, Mr. Lebron enrolled in a work-release program at the CAC.

Records show Mr. Lebron worked at the Ogden Martin trash plant in Haverhill from October to December 1991. His job: shoveling trash into the incinerator. He made $6 an hour and worked from 6:30 a.m. to 3:30 p.m., five days a week.

He had $1,106 in his prison bank account when he was released on Dec. 5, 1991.

In January 1992, he was sent back to jail for a month on a parole violation.

He went back on General Relief in April 1992.

While collecting, he was arrested for trespassing at a public housing project where he had been known to sell drugs.

His welfare benefits stopped in September 1992 when his eligibility ran out.

Three months later, State Police arrested Mr. Lebron and two other men and charged them with running a major heroin ring out of the Merrimack Courts housing project.

Police said addicts would page Mr. Lebron on his beeper, punch in the number of bags of heroin they wanted and Mr. Lebron would meet them at the housing project.

Police with drug-sniffing dogs found five bags of heroin on Mr. Lebron, 45 bags inside a TV in the apartment where he was staying and 180 bags in the heating system of his partners' car.

Despite his record, Mr. Lebron was allowed to post bail and walk away. He did not look back.

DISABILITY NOT AN OBSTACLE

John Clough has done time for a string of crimes, including several burglaries, robbery and assault and battery.

Mr. Clough, 35, formerly of Haverhill Street, Lawrence, started collecting General Relief in October 1990. He switched to Supplemental Security Income, or SSI, the following July.

While on welfare he was arrested twice for breaking into houses. Police say he also robbed an 83-year-old Lawrence man a few blocks from the welfare office.

According to the police report, Mr. Clough and an accomplice confronted the old man and demanded money. They knocked him down when he showed an empty wallet.

Mr. Clough snatched a bag containing some personal papers and bolted. He was arrested three blocks away and jailed.

He was later sentenced to four years in Walpole state prison. The charge of robbing the old man was filed. Mr. Clough has since been transferred to the medium security prison in Shirley.

SSI benefits are supposed to stop while the recipient is in jail. But Mr. Clough's continued until at least September 1992, a full year after he had been locked up.

In a phone interview from prison, Mr. Clough said his checks were sent to his home and cashed by the mother of his child. "Without the money, she would have been out on the street," he said.

Mr. Clough said he was on SSI for a disability. "I'm chemically disimpaired," he said. "I use drugs and alcohol. I can't read or write, too."

Welfare officials confirm people who are disabled as the result of drug or alcohol abuse can collect benefits. And there is no requirement that an addict or alcoholic get treatment or job training to continue to receive benefits.

"There are still a substantial number of EAEDC recipients who are addicts of one form or another," said Mary Claire Kennedy, director of the Lawrence welfare office.

Emergency Aid for Elderly, Disabled and Children, or EAEDC, is the program that replaced General Relief when GR was eliminated because of suspected abuse by drug addicts and criminals.

Meanwhile, Mr. Clough has filed a $100,000 lawsuit against Lawrence police from jail. He claims officers entered his home without a warrant, beat him and denied him medical attention. He acted as his own lawyer, court records show.

EX-CONVICTS CAN COLLECT

Until recently, Massachusetts convicts were automatically entitled to collect General Relief welfare for 60 days after being released from jail.

Deborah Weinstein, executive director of the Massachusetts Human Services Coalition, said that may have been unpopular but it reduced crime.

"If you remember the old gangster movies they'd hand them $50 and a new suit when they left prison. I guess we've progressed to giving $600 to ex-cons," Ms. Weinstein said.

She said convenience store owners who might be targets of holdups "are thankful these people have some source of income when they come out. Using this to tide them over is a good investment."

But The Eagle-Tribune found many criminals do not use welfare just to tide them over after being released. They are on welfare before going to jail, and they can continue to collect indefinitely by claiming a medical disability.

One welfare fraud investigator told The Eagle-Tribune disability certificates are easy to forge and never checked by welfare workers because there are so many.

A computer match of jail and welfare records by The Eagle-Tribune found 305 prisoners who spent time in the Essex County House of Corrections between 1991 and 1992 had also received some form of welfare benefits through the Lawrence office during those two years. Of the 305, 296 were on welfare before they were incarcerated.

Cross-checking found at least 54 inmates whose welfare cases remained open even after they were jailed.

In 17 cases, as in Mr. Lebron's, their benefits stopped after they were locked up. But 37 other inmates, including Mr. Clough, served their entire sentences without losing benefits.

Those estimates are on the conservative side as they account only for inmates who received benefits through the Lawrence welfare office, one of 48 across the state.

The sheriff's department has seized public assistance checks sent to inmates collecting out of the Salem, Newburyport, Haverhill and Lynn welfare offices.

The Eagle-Tribune also found at least two felons who received welfare while in state prisons. One served a year without losing benefits.

CHECKS IN THE JAIL'S MAIL

The Eagle-Tribune first reported that prisoners were illegally collecting public assistance in 1989, after Sheriff Reardon confiscated a handful of welfare checks found during routine searches of prisoners' mail for contraband.

One burglar on General Relief told a reporter that "scamming" the state was common among his friends.

Two years ago, Gov. William F. Weld cut off illegal aliens, ex-convicts and drug addicts from the General Relief rolls.

The state replaced the program with EAEDC. The Weld administration also required all participants to undergo an outside medical examination.

Thousands of recipients were knocked off the welfare rolls and spending on the program was cut in half from more than $200 million to less than $100 million.

But Merrimack Valley Legal Services filed suit and won a ruling that the new medical standards were "inherently unfair, unjust and inequitable."

As a result, thousands of welfare recipients will be reinstated.

After The Eagle-Tribune exposé four years ago, state officials maintained only a "very small" number of prisoners were collecting welfare. Then-welfare commissioner Charles Atkins publicly said the state would start performing computer matches of welfare and jail records to root out those who were.

Sheriff Reardon, who continues to confiscate welfare checks sent to the jail, said the matches were never done.

"I have never heard from them nor has any of my staff heard from them," he said.

Computer matches were also recommended by a legislative committee that studied the issue of convicts collecting welfare after The Eagle-Tribune story.

As part of the 1989 study, state auditors performed a sample match of welfare rolls against Essex County jail rosters.

Social Security numbers of 364 inmates were checked. Forty-nine, or 13 percent, were

found to be on the master file at the welfare department, indicating they were on welfare at some point.

The study said 10, or about 3 percent, were fraudulently receiving benefits behind bars. They were removed from the welfare rolls. The study recommended continued computer matches that would act as a deterrent and save as much as $1 million each year.

The current welfare commissioner, Joseph V. Gallant, said his department looked into conducting computer matches with prisons and jails but dropped the idea because there is not central registry of inmates. He also said he believed the cross-checks would find only a handful of inmates on welfare.

"You have to weigh what it costs to do the matches to get one or two people," Mr. Gallant said.

"They know how many we caught," Sheriff Reardon said. "It's far greater than two or three."

Based on the number of welfare checks confiscated at the jail, he estimates close to 30 percent of the entire jail population is on some form of welfare.

"They get enough from the public as it is from the jails. And to have them collecting welfare on top of that is too much," the sheriff said.

Sheriff Reardon said most inmates know the rules barring them from collecting welfare while doing time.

"They know once they come to the jail the check will be taken away from them," Sheriff Reardon said. "So they send it to a post office box, another address. Of course, they aren't going to turn themselves in."

Madam Speaker, to recap, the articles I've read tonight outline how welfare has sadly become a way of life for many, both those who want to get off the system, as well as those who callously abuse it. Also, they point out how, despite the law, some felons have still collected SSI benefits.

Tomorrow, I will outline how those convicted of misdemeanors still collect SSI, how fraud often goes unpunished, and how many have cheated the system and the taxpayers.

SOCIAL SECURITY DISABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 60 minutes.

Mr. BACHUS of Alabama. Madam Speaker, there is a cancer eating away at our Nation's Social Security trust funds. The cancer is rapidly growing out of control, and unless this Congress acts, it threatens the future financial security and livelihoods of not only our senior citizens but each and every one of us.

The cancer I am referring to is the impending insolvency of the Social Security disability insurance trust fund. This fund has been depleted, and some experts predict it will be completely insolvent by mid-1995. My preliminary findings lead me to conclude that the impending insolvency will occur even earlier. Because disability claims are increasing at a faster rate than anyone predicted, I believe the Social Security disability trust fund will be bankrupt by the end of this year—1994.

The question you may be asking is why have not we heard anything about this? Last year, when some in Congress realized that the disability trust fund was in trouble, the Social Security Administration and others proposed what some considered the easy solution: simply take money out of Social Security's old-age and survivors trust fund [OASI]. I say that taking money out of this trust fund and away from our senior citizens and every working American is no solution. Certainly an unacceptable solution.

We cannot condone or allow a raid on the Social Security old-age and survivors trust fund and, at the same time, expect to keep that fund solvent for our children or even our own generation.

Millions of senior citizens, my parents among them, depend on their monthly Social Security checks. They paid into the fund while they were working, and they have a right to expect that what they contributed will be returned to them in their retirement years.

In the early 1980's, the American public was told that the Social Security trust funds were fixed. During the debate over the Social Security Amendment of 1983, Ways and Means Chairman, DAN ROSTENKOWSKI told this body, and I quote, "Those expecting to receive benefits in the next century would be assured that the system is solvent." But since Mr. ROSTENKOWSKI made that promise on March 9, 1983, rapidly expanding disability insurance payments have been threatening the future of our senior citizens.

Yet, according to the 1993 report of the board of trustees of the Social Security trust funds, the disability trust fund will be completely bankrupt by the end of 1995 unless immediate action is taken to correct the situation.

The 1993 trustees' report shows that the fund will have used its entire accumulated balance and will be $1.6 billion short of the amount required to pay benefits by the end of 1995. In other words, by late August 1995—or if my prediction is correct, before the end of this year—the disability trust fund will be unable to send out benefit checks unless some action is taken to provide additional funds.

This is a problem of enormous proportions. According to the actuaries, $105 billion will be required to resolve this problem for just the next 8 years. This is more than has been spent on the savings and loan bailout.

Even more disturbing is the fact that the actuaries who prepared this report used intermediate level estimates to project this outcome. If they had used worst case estimates—which, unfortunately, have proven to be more accurate in the past, the numbers would have been even worse.

In my research, I found many startling things. First, once people go on the disability rolls, they may be reexamined, but almost invariably, they remain there until they reach retirement age. That means that they will never return to work, even if rehabilitation and medical recovery later makes working possible.

According to Dr. Carolyn Weaver, the Director of the Social Security and pension project at the American Enterprise Institute, the proportion of new beneficiaries under 40 years of age jumped from 18 percent to 28 percent, between 1980 and 1990—over a 50-percent increase.

Dr. Weaver also reports that the proportion of people awarded benefits based on mental disorders increased from 11 percent to 22 percent between 1980 and 1990 alone. Among workers under 35, the proportion rose from 32 percent to 46 percent—almost half. And furthermore, these people are likely to stay on the rolls longer than those in any other major diagnosis group.

We also have a serious problem with the growing number of disability claims and the way we process them. Throwing more money at the problem is not going to make it go away.

Last year, the Ways and Means Committee heard testimony from the Acting Commissioner of the Social Security Administration on the severity of the problem and its implications for the future. The response of Social Security, the Ways and Means Committee, and this House was to propose taking money out of the old-age and survivors fund to bail out the disability fund. The Senate later stripped this provision. The problem, unresolved, continues to worsen.

The Clinton administration and the current Commissioner of the Social Security Administration seem to be on the same course this year. Yesterday's budget, again calls for diverting funds from the retirement fund to the disability fund. This may be the easiest solution, but it is really nothing more than a stop gap solution, consisting of a raid on the retirement funds of every working American.

Shifting funds from the old-age and survivors fund to the disability fund has been done before. But, this time, the problem is much worse than it has been in the past. We are talking about $105 billion over the next 8 years. This is a massive amount of money, and the magnitude of this problem poses a significant threat to the Social Security trust fund and our senior citizens.

If we continue on this course, we are going to bankrupt the fund that insures the financial security of our seniors in their retirement years. That is wrong.

Shifting funds from one fund to the other is not an acceptable solution. It does nothing to address the real problem which is a disability claims process that is out of control.

Madam Speaker, I first became aware of this problem through casework in

my district. Last January, my office began receiving numerous complaints about the length of time required to resolve Social Security disability claims on appeal, so I decided to investigate the situation.

I discovered that the average wait, from the time a disability claim is filed until benefits are awarded, is 18 months. One of the factors contributing to this problem is the dramatic increase of disability claims.

The preliminary solution offered by HHS to relieve the backlog in my congressional district was to hire additional employees. I was pleased at first, but when I realized that the same thing was happening across the country, I became concerned that there might not be enough money available to pay for the rapid influx of new claims. As a result, I began to study the Social Security disability trust fund and its financial security.

I am convinced that more personnel and more money are not the answer to this problem. We need a complete reevaluation of the criteria used to determine whether a person is truly disabled, and we need a clearly defined method of reexamination that will allow us to remove people who are no longer disabled from the rolls and get them back to work.

Right now, the system is not working. We need to change the procedures and redefine the role and mission of our disability system.

The Americans With Disabilities Act [ADA] was passed with the promise of eliminating barriers and creating employment opportunities for the disabled. It also had a very high price tag. We ought to be able to use the Americans With Disabilities Act to place more disabled workers in real jobs. Additionally, we ought to be able to take advantage of medical advances and rehabilitation in order to increase the opportunities for disabled citizens to reenter the work force and at the same time, reduce the number of disability insurance payments.

Madam Speaker, I am calling on the President, and I call on my colleagues today, to consider this problem carefully. We must act now.

The reality of this situation is that the disability insurance fund is going to run out of money and soon. My question is why can not we address this problem now and avoid the crisis atmosphere of a last-ditch effort to bail out the program later?

Last week, we approved emergency supplemental appropriations for earthquake assistance. This natural disaster happened suddenly and without warning. But I would ask my colleagues today: Must we wait for the ground to move from under the Social Security disability trust fund before we act?

Madam Speaker, I urge my colleagues to join me in cosponsoring this resolution which would require the Department of Health and Human Services to thoroughly examine and confront this threat and report back to Congress with honest solutions, so that we can act in an orderly and timely manner.

My bill states that neither taking money from the Federal old-age and survivors insurance trust fund nor taking money from the general fund of the Treasury, thereby adding to the deficit is an acceptable solution.

Madam Speaker and my colleagues, it is time for action. It is time to be honest and deal fairly with the American people. We cannot continue to play with the numbers and expect this problem to go away.

[Excerpt from 1995 Budget]

DEPARTMENT OF HEALTH AND HUMAN SERVICES, SOCIAL SECURITY

FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND

[Status of Funds in thousands of dollars]

	1993	1994	1995
Social Security tax rate reallocation	0	(11,942,000)	(16,114,000)

FEDERAL DISABILITY INSURANCE TRUST FUND

[Status of Funds in thousands of dollars]

	1993 actual	1994 est.	1995 est.
Social Security tax reallocation	0	11,942,000	16,114,000

□ 1940

THE HOUSE POST OFFICE SCANDAL

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). Under a previous order of the House, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 60 minutes.

Mr. ISTOOK. Madam Speaker, it is never a pleasant task to have to address this Chamber, and those others that are listening in, on something of the gravest import that involves the integrity and the dignity of this body, however a situation has arisen that is very tempting for Members of Congress to attempt to sweep under the rug, to disregard and hope that it will go away. But unfortunately it will not.

What I am speaking about is, of course, the scandal that has arisen through the House post office, something that for a long time had been rumored—a couple of years ago Members, many Members, thought that the rumors were untrue because of a task force investigation that seemed to issue a clean bill of health, and then there was a shock wave that came across this particular body last summer, 6 months ago, when the former Postmaster of the U.S. House of Representatives post office pleaded guilty in a sudden appearance in Federal court to three counts of conspiring with Members of Congress to embezzle tens of thousands of dollars of taxpayers' money from the House post office, and that guilty plea by Robert V. Rota is now over 6 months old, and there are all sorts of rumors, of course, which circulate about what is or is not being done by the U.S. Department of Justice in pursuing potential criminal action against Members of this House.

But, Madam Speaker, the sad truth is we cannot pass the buck nor expect anyone else to handle our problems for us. The U.S. Constitution under article I, section 5, specifies that the House has the obligation to police the disorderly behavior of its Members, and certainly it is hard to get more disorderly than being engaged in a scheme to embezzle tens of thousands of dollars from the taxpayers through the use of the official offices of the House. That particular scheme, it turns out from what has been revealed in the court papers, was not something that happened just of one moment. It was something that evidently continued for a series of years and escalated to the point which it did, and I would like to cover in this presentation some of the facts that are important to people to know and also talk about what we need to do about this.

My colleagues, we have an ethics committee. Technically it is called the Committee on Official Standards of Conduct. It is charged with the responsibility to enforce the rules and standards of behavior of this body. But, despite the revelations through official court documents, through testimony in open court and through filings here in the U.S. District Court for the District of Columbia, the House ethics committee has not taken up the challenge, nor opened an official inquiry, into what happened in the post office. There was a privileged resolution, which is pending in this body, which I and over 30 other Members of this House intend to call up soon under the rules of this House which directs the ethics committee to pursue the independent investigation to cooperate, as necessary, of course, with the Justice Department and to enforce the rules of conduct of this House.

□ 1950

Let me share with you what occurred. And this is not just me talking, this is from the testimony, a factual offer made on behalf of the U.S. Government, filed with the U.S. District Court for the District of Columbia, in the case of United States of America versus Robert V. Rota. These are public records available to the public from the courthouse.

The scheme that Mr. Rota confessed to was enabling Members of Congress to embezzle taxpayers' money through the post office, through a series of maneuvers that included accumulating cash within the post office, rather than making daily deposits or frequent de-

posits of cash that came into the post office as part of its official business. That money was set aside and kept in special places. Then when a Member would come in, and he would have a voucher, or he would send somebody with a voucher, a voucher drawn against his official House account, drawn against public moneys of the U.S. Government, and supposedly for the purchase of stamps for his official duties, instead of getting stamps, he would get cash. And he would pocket the cash.

Vouchers in thousands of dollars. At other times, stamps themselves, having previously been purchased with public moneys, would be brought back to the post office, and they would be exchanged for cash and Members of Congress could then pocket that cash.

And then the third way that money was diverted from the public was that they would bring in a campaign check. Now, this campaign check was supposedly for just campaign purposes. Certainly many campaigns have to buy postage. But instead of bringing in the campaign check, purchasing postage and then using those stamps to further the conduct of a campaign and mailing to constituents, it would be cashed and the Member would get back cash, and thus would divert money not only from the taxpayers, but from his own or her own contributors.

This conduct evidently continued for a series of years, as laid out in the court papers as part of Mr. Rota's confession.

That was 6 months ago, Madam Speaker. And since that time, everybody has been waiting. Is the Justice Department going to pursue things? is the Justice Department going to pursue things? Is the House concerned about the integrity of this body? Is the House concerned about the shadows cast upon each and every one of us. Because the court papers don't say which Members were involved. They don't say how many Members were involved. They say there were several Members. They mention a congressman A, and a congressman B. But we don't know if it rises up to a congressman C, D, E, F, G, how far does it go? And we will never know, Madam Speaker, unless we pursue these allegations as we are charged by the U.S. Constitution to do.

Let the Justice Department pursue criminal investigations as they will. We have an obligation to pursue these matters, to ferret out wrongdoing within our own midst. And our ethics committee, which itself spends millions of dollars of taxpayers' money to enforce standards of official conduct, needs to be actively involved in the pursuit of this mismanagement and outright embezzlement of taxpayers' money.

That is the purpose of the pending resolution that has been filed in the form of Resolution 238. It may be refiled under a different number. But in the very near future, we intend to call that resolution up in this House for consideration by this body.

I would be happy to yield to the gentleman from Indiana.

Mr. BUYER. I appreciate your having this special order tonight. I think it is extremely important. I had some thoughts here that when you mentioned you have got this privileged resolution, you are trying to press this forward, and I have heard other Members and rumblings of others saying, but there is a criminal investigation, let's let the Department of Justice take care of things and not start some ethics investigation.

Well, there is a big difference between the criminal process, the criminal code, and ethics. I think that is extremely important.

We have got the United States Code here on crimes and criminal procedure, title 18, section 1 through section 6002. It is the Federal Code. So we have the Department of Justice and all those prosecutors out there. I have prosecuted under the Federal code for 3 years. I understand criminal process and criminal procedure.

This is the House Ethics Manual. It is different. It sets the code of conduct of Members.

Now, there are two different sets here. Ethics manuals are supposed to be more stringent than the criminal standard and try to hold to the highest code possible.

James Madison said, in the framing of this country, in the beginning of our ethics manual here, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

You see, they struggled with this issue of ethics in a government where you have people governing other people. So they struggled with that issue and came with the firm belief that a public office is in fact the public trust. And right now, all across America, we talk about the budget deficit, there is a trust deficit between the American people and this Congress.

I come here as a new Member and say why? Why is there such a trust deficit?

Mr. ISTOOK, all you have to do is look at this particular case as example of why there is a trust deficit between the American people and this body.

I am not here to make allegations of anyone. I know that there are tremendous impressions of impropriety. I also know that in order to have someone convicted of a conspiracy, he cannot conspire in and of himself. The conspiracy must be with others. That is very, very important.

So there is a huge difference between the ethics and criminal procedure. I disagree with those that say let's let the Department of Justice take care of things, because I am learning about this town. When you have one party in control, the Democratic Party controls the House, the Senate, and the executive branch, the checks and balances on the system are lacking right now. There truly isn't the independence of the Judiciary.

I could cite case after case, and I am very, very concerned. So having a simple code of ethics, and sure, this is a big thick book, but it can be very simple. For the 4 years as a cadet at the Citadel, the code was very simple. A cadet does not lie, he does not cheat, he does not tolerate those who do. Now, that was a code when I was a cadet as a young man. But you know, it is part of my character. The code is very simple.

Now I am faced with the toleration aspect. And I have to come forward, Mr. ISTOOK, and I join you with this. I think it is extremely important. Today, right now, America is almost giving in to situational ethics. They say is character really important? Character really doesn't matter. Don't let the character of man or woman matter. See what they do. Is he working on the agenda? Let's not look into character. Is he making things happen? Let's not worry about character.

Excuse me. When it is the public office, it matters. From the township trustee advisory board to the President of the United States, public office matters, and trust matters, and character matters. It is extremely important.

So I get upset, Mr. ISTOOK, when I hear people talking about the character doesn't matter. I think that we need to move forward on the House Ethics Committee. I join you as original cosponsor of your House resolution. I think you are on the right track. I salute your courage. It is very bold to take on this institution. But it takes men of character such as yourself to step forward and do what you are doing. Especially in the face of whatever retributions the system of this House, of which we are both well aware of, can kind of boomerang and come back.

But I salute you, and I think other Members will come and join what you are doing.

Let me close. When I think about character, Mr. ISTOOK, if I can relate a story with you. I can think about the character of this country, the American character and why it is so unique and why the American character has made us such a unique society among the world. I think back of an incident that occurred during the gulf war.

I came out of an interrogation tent at the enemy prisoner of war tent to see a brigadier general of the Iraqi Army sitting on the desert floor with his legs crossed, his elbows on his knees, his face in his hand. He was weeping and crying. He was dejected and defeated.

You see, his character is that under a tribal system and a totalitarian gov-

ernment where loyalty to the totalitarian regime is ultimate. That is his character. You see, when he became defeated and dejected, his system failed him and he failed himself, for he lacked the character.

Nobody, nobody, has to tell anyone, from an American private to an American general, how to act. It amazed me when I walked out there to see that.

□ 2000

And I walked up to that gentleman. I kicked the bottom of his boot and, through an interpreter, I asked him to stand at attention. And then I asked him if he were a general. And he said, "Yes, I am."

So, I said, "Then act like one and be a man."

You see, his character is so much different. We have SAM JOHNSON here. We have others. We have SAM JOHNSON. I almost weep when I shake the hand of SAM JOHNSON, with his cripple hands and what he went through in Vietnam for 7 years. SAM JOHNSON's character is completely different from the character of someone from another system, another type of government under a totalitarian system. So, character matters. Character matters today.

So, when we want to talk about, let us bridge the trust deficit, let us unite the American people and give them faith that Members of Congress, that Members of the Senate, whether it is the President, whether it is the county commissioner, exercise trust, that they will make decisions that are in the best interest of the American people. And we have to police ourselves and prove to them that we mean it, and that is the first step at restoring the trust and confidence.

Mr. ISTOOK. Madam Speaker, I thank the gentleman for his remarks about character and the necessity for pursuing this matter.

And you asked the question, why is it not being pursued. We have an obligation. It does not matter if anyone else is doing something, the buck stops with us to enforce the rules of this House, to enforce the highest standards of ethical behavior by Members of this House. And I think the burden is upon those who do not wish to pursue it to come forth and present their arguments.

I think we should probably discuss what those arguments are, because we have heard them. We know what they are. We know what fallacies are in those particular arguments.

The American people look at what is happening over in the other body, the Senate. We are not supposed to say "the Senate" on the floor.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, we changed the rule on that now.

Mr. ISTOOK. Over in the Senate, they are making front-page headlines, because of what? An ethics investigation into a Senator. And what is it that the Senator is supposed to have done that makes front-page headlines? It is a question of where has he been putting his hands. Has he been putting them on ladies in unwelcomed fashion?

And here in the House, we have Members who have been putting their hands in the till. We have embezzlement. They are concerned with sexual harassment. That is fine. That is well and good. But we should be concerned about embezzlement, the charges that have been raised against Members of this House. And if somebody is putting their hands in the public till, are we or are we not concerned about doing something about it?

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas). The Chair would advise the gentleman, it is not in order to cast reflections on the Senate or its Members, individually or collectively.

Mr. ISTOOK. Madam Speaker, I am not. I am speaking of the allegations rather than the proven conduct. I am speaking merely of the allegations, which are being probed by the Senate in their official body.

The SPEAKER pro tempore. The gentleman should not refer to an ongoing investigation in the Senate.

Mr. ISTOOK. I do not know of any rule that prohibits me from mentioning an ongoing investigation in the Senate. If there is one, I hope the Chair will cite it to me.

The SPEAKER pro tempore. Rule XIV.

Mr. ISTOOK. And it reads?

The SPEAKER pro tempore. It reads:

> Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

Mr. ISTOOK. Madam Speaker, I believe that is perfectly in accord with what I did. The Senate has public records, for example, the issuance of subpoenas, of records to enforce a Senate investigation.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, the gentleman is absolutely correct.

The SPEAKER pro tempore. To characterize the Senate or its Members is not in accordance with the rules.

Mr. ISTOOK. Madam Speaker, I would have to challenge the ruling of the Chair, if the Chair thinks I have improperly characterized the Senate. I have merely mentioned the fact that in the U.S. Senate there is an investigation which is front-page news and certainly should not be suppressed in this body, which is front-page news, looking into allegations of alleged sexual harassment by a Member of the Senate. Yet we have, in this House, allegations of embezzlement of tens of thousands of dollars. And certainly, this is an extremely serious charge that needs to be pursued in this House.

I would not want to think that anyone in this House would want to suppress the mere mention of the fact that the Senate investigates sexual allegation charges.

The SPEAKER pro tempore. Ethics in general is acceptable. Specific allegations and specific references to the conduct of a Senator are not acceptable.

Mr. ISTOOK. Madam Speaker, I believe I am speaking in context with the rule and in accordance with the rule. The gentleman from Pennsylvania asked me to yield for a question.

I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. The gentleman, I think, referred to the proceedings of the Senate. In the rule just cited by the gentlewoman in the Chair, she said that it was entirely appropriate for the House to refer to proceedings of the Senate. The gentleman, as I listened to him, was referring to proceedings of the Senate.

The matter under discussion by the gentleman was, in fact, the subject of Senate debate. It is a part of the CONGRESSIONAL RECORD. There was extensive debate in the Senate recently. So it seems to me that this is a matter which involves the proceedings of the Senate.

The gentleman would be out of order, if he characterized those proceedings in a particular way.

The SPEAKER pro tempore. Debate was not being repeated in accordance with the rule. Senate action and a Senator's conduct were being characterized.

Mr. WALKER. The gentleman referred only, as I understood him, to a general reference to the fact that these proceedings did, in fact, take place in the U.S. Senate. He did not mention a particular Senator. He mentioned what was done under the proceedings of the Senate.

The SPEAKER pro tempore. The reference was to a specific allegation.

Mr. ISTOOK. Which has been, Madam Speaker, which has been the subject of a vote by the full Senate, which has been the subject of submitting a request for further information through a subpoena to a United States district court. That is totally in accord with the rules.

Madam Speaker, I think we are digressing here from the main issue. If the Chair wishes to make a point of order of some fashion, I would certainly contest it. Otherwise, I would like to continue with our proceeding.

Mr. WALKER. Madam Speaker, if the gentleman will continue to yield, this is an indication of exactly what we run into all the time, when we try to bring up these issues and discuss them in context.

The rules of the House are immediately applied whenever you want to discuss some of these issues on the floor. We get very, very narrow interpretations of the rules in an effort to discuss these matters.

However, when it comes to the rules of the House with regard to ethics violations, all of a sudden the Democratic leadership of the House is willing to set aside the rules or at least try to ignore them insofar as the membership will allow them to ignore them, and then line up a majority of votes on the Democratic side of the aisle to knock down any attempt to enforce the rules of the House.

The gentleman, with his resolution, is attempting to enforce the ethics rules of the House of Representatives. He is attempting to get an entirely appropriate investigation done by the Ethics Committee on a matter where Members of the House have been accused of embezzlement and where there has actually been a charge of conspiracy and embezzlement that has resulted in a guilty plea by an officer of the House.

Thus far, the officer of the House has not been investigated by the Ethics Committee, nor have any of the charges that the officer of the House made against Members of the House been investigated. That is regarded as entirely proper in this body, that we would ignore that matter, but we have got to be real technical when it comes to whether or not the gentleman was referring to proceedings or characterizing proceedings. We have got to get real technical, when it comes to those kinds of things.

I would suggest that this is the madness under which we now operate in the House of Representatives, that we simply will not take our duties seriously enough, if those duties in any way appear to impact adversely on the majority party in the House of Representatives.

□ 2010

I would suggest that this is a perfect example of why the gentleman, in his dogged pursuing of this matter, has been absolutely correct. The gentleman has been patient beyond belief. It must be months now since he introduced this resolution. He has talked all the time about what is needed here. He has been assured that at the proper time all of these things will be taken care of.

Meantime, we have had an investigation in this matter done by the Committee on House Administration that has been buried, and a resolution trying to make public those records on the floor was turned down, guess what, by the majority party voting almost unanimously as a party. I think there were a few Democratic votes who voted to make those records public, but very few. Then when we have attempted to move to the Committee on Standards of Official Conduct, that is something that the gentleman has been told, "Well, not now."

Well, it appears as though now has come. I want to congratulate the gentleman for being courageous enough to bring this matter before the House and to give us an opportunity, hopefully in the near future, to find out whether or not the House is going to get concerned about its rules when it involves real ethical questions.

Mr. ISTOOK. Madam Speaker, I appreciate the comments of the gentleman from Pennsylvania [Mr. WALKER].

Reclaiming my time, Madam Speaker, I think it is important to note when people say we should not do it because the Justice Department is investigating it, certainly we have had many contemporaneous investigations where the House was pursuing allegations of ethical misconduct simultaneously with something going on in the Justice Department. A good example, a recent example, was certainly the House bank scandal.

We had the investigations regarding the Keating Five. We had an inquiry into allegations of improper use of book proceeds by a Member of this House. We have had a number of occasions when we have understood that we and the Justice Department each have separate duties. We can cooperate with one another without interfering with one another. We certainly should seek to do so, because we cannot evade our constitutional responsibility.

There is also, Madam Speaker, a lingering question with many people as to whether the Justice Department actually will pursue things, presuming that the evidence is indeed there in their hands, to the point of an indictment.

Certainly, Madam Speaker, those who have followed what the Justice Department has done on this are aware that the original grand jury pursuing those matters was dissolved. It ran out of time. It had a statutory time limit and it came to a point where it could not be extended further.

A second grand jury had to be empaneled last fall, which means a new learning curve and certain delays. The investigation is also on its third U.S. attorney because of the change of administrations and replacement of U.S. attorneys under that. It is now a different U.S. attorney that is charged with that responsibility. Certainly people who are familiar with different investigations, whether at a State level or a Federal level, know that it is very easy to give the appearance of activity and yet nothing results from it.

We also know that in an investigation with as many political ramifications as this one, that no indictment would be issued without the approval at the very highest levels of the Justice Department. So no matter what might be the desire of an individual U.S. attorney or his staff or investigators to pursue a matter, unless that receives clearance from those at the highest level of the Justice Department, nothing happens.

This is the same Justice Department which, within the last couple of weeks, declines to prosecute, despite an extremely strong and sharp recommendation from the inspector general within the Department of Justice, saying that two State Department employees who had the political pull, if you will, of having been involved with the Clinton and Gore campaign, that they should not be prosecuted, despite what seems to be the indisputable evidence that they made an effort to go in, go through closed files from Bush administration personnel, take information about that out of those files that they thought would be damaging, and give that information to members of the press. For the sole purpose of trying to embarrass members of the prior administration, they would break the law which made those records confidential.

However, the Justice Department, realizing the political problems of that, declines to prosecute. Now, if we have a sensitive investigation regarding a Member of Congress, would the Members not think that a Member of Congress would have more political pull and thus less chance of actually being prosecuted because that decision would have to come down from the highest levels of the Justice Department?

We cannot rely on the Justice Department or anyone else to do our job for us. It is our constitutional responsibility. We cannot pass the buck.

It is very telling, too, Madam Speaker, that when we did have a House task force a couple of years ago which did not pursue these allegations at the time, because frankly, the information was concealed from them at the time by Mr. Rota, but when they issued a report about what had happened, they were not satisfied with allegations that they should not be interfering with the Justice Department in looking into the House post office.

In fact, and this was the majority report from that task force, they wrote that the task force was hampered by the Department of Justice's intermeddling and interference with their legislative mandate, and they said there was heavy-handed legal maneuvering and thinly veiled threats by the Department of Justice to thwart the House inquiry.

They knew that the House had the obligation to pursue these matters whether the Justice Department was pursuing them or not, and the Justice Department should not be used to thwart the House in the exercise of its

constitutional duty to inquire into the conduct of its own Members.

Now we hear, "Oh, we mustn't interfere." Then it was the Justice Department interfering, when they thought Members of Congress would not be implicated. But when Members of Congress became implicated, suddenly the attitude is, "Oh, hands off. Let's let the Justice Department do it, and maybe if we are lucky they will bury it and it won't come to light."

Mr. BUYER. Will the gentleman yield, Madam Speaker.

Mr. ISTOOK. I yield to the gentleman from Indiana.

Mr. BUYER. Part of the frustration that we are dealing with here is trying to deal with the Department of Justice. I understand that your resolution is not telling the Department of Justice to do your job. That is a frustration that we deal with in this body in scandal after scandal that has occurred, even with the Presidency and members of his Cabinet.

I know the gentleman's resolution does not address that. What his resolution is addressing is the responsibilities of this body with the ethics. So if we cannot get Justice to do their job with criminal procedure, and they just throw the book aside, then it is our ultimate responsibility to step forward and say, "This is the House ethics manual. It is a code. Honor is more than a word, it is a way of life, and it is important for this body to hold that close."

It is a scandal. It is a scandal. Let us not call it something that it is not. It is a scandal. It is a scandal of that side of the House. Members of the post office were appointed by the Democrat Party under a system of patronage. Why has that not been investigated? Where is it?

I would say to the gentleman from Pennsylvania [Mr. WALKER], I remember he introduced a privileged resolution for sunshine, to bring public disclosure, and this body pounced on him: "What are you doing, Mr. WALKER? We don't want the public to know. We don't want anybody to know about the scandals of this House." It was defeated 200 to 207.

Six months have gone by since the gentleman brought his resolution up. I would ask the gentleman from Pennsylvania [Mr. WALKER], are there any plans that he has to resurrect his privileged resolution?

Mr. WALKER. Will the gentleman yield?

Mr. ISTOOK. I yield briefly to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, one of the things that concerns me is, we have a problem that goes far beyond sunshine at this point, because the corrective surgery that was performed in the House to take care of the bank scandal and the post office scandal and some of these things was, we put a professional House administrator in place that was given certain powers to take over a lot of the institutions of the Congress, in order to get rid of the patronage system, and guess what, the House administrator up and quit the other day.

As nearly as we can determine, one of the reasons he quit is because some of the things that the House said were to be assigned to him in order to end patronage were not granted to him. They were kept in the bowels of the power brokers of the Congress.

□ 2020

They did not want to give up that power. They did not want the patronage system to be eliminated.

The Speaker, when he talked about this grand new reform package that we were having in the House, indicated we were going to end patronage and go to professional employees. If we had only done that. But the fact is the Democrat patronage operation continues to operate. As we stand here they are still filtering people into the House system, and so the Democrats have abandoned all pretense of reform. And the real resolution that we need now, in addition to some sunshine, is some corrective work on the reform that was passed supposedly to take care of these matters. And we ought to force the House Administration Committee and others to give up the power that they have refused to give up at the present time.

Do my colleagues know what the official word is as to why the House information systems were not turned over to the administrator as required by the resolution? The official explanation for that was it was a resolution passed in the last Congress and is not binding on this Congress. Well, if that is the case, the new Postmaster, the new administrator, the new inspector general, none of those things is binding on us because they are all a part of the same resolution. And this is appalling. We are seeing the disintegration of proper behavior in the House of Representatives, and yet the Democrats hope that it will all be ignored.

Mr. ISTOOK. Madam Speaker, we have another Member here who has been very patiently awaiting an opportunity to share some of his thoughts on this very important and significant matter. That is the gentleman from Michigan [Mr. HOEKSTRA]. Madam Speaker, I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Madam Speaker, I think it is time to bring some focus back to the issue. Reflecting back on this now I am saying we have heard that the time has come to now deal with this issue. I think we are long past the time to deal with this issue. We should have dealt with it 6 months ago. The gentleman and I talked about bringing it and pushing it forward 6 months ago. We talked to many of our colleagues. They encouraged us to wait until the Justice Department finished their probe, and in reality we should have moved forward then, because what has happened over the last 6 months has hurt the reputation of a number of Members of Congress, and has hurt the reputation of the House itself.

If we go back and we take a look at the resolution which the gentleman authored, it is very simple. And I would quote from it that all we are doing is "calling on the Committee on Standards of Official Conduct to conduct an investigation into activities at the House post office to determine whether House rules were broken or whether public funds were embezzled by Members." We are asking for an investigation to clear up a very specific charge.

Reading on again, why did we think that this was necessary 6 months ago and why do we think it is even more important that we focus on this issue now? "Whereas former House Postmaster Robert V. Rota has pleaded guilty in the United States District Court for the District of Columbia to charges of conspiracy to embezzle funds of the United States in violation of section 371 of title 18 United States Code * * *"

Going on, "Whereas court documents in this case contained allegations that several Members, officers or employees of the House were co-conspirators with Mr. Rota * * *"

Going on again, "Whereas complete and accurate testimony by Mr. Rota were not provided to any previous inquiry by this House."

There are very specific charges that have been made, that have been proven in court that this House has not dealt with. The end result again is what the gentleman has stated: "Whereas the safety, dignity and the integrity of the House and of public confidence in the House require that these allegations receive full inquiry by the House itself."

I came from the private sector. I worked for a company that was one of the 100 most admired companies in this country. We valued our reputation. If there were allegations of doing something wrong, improper behavior, we needed to improve our customer service, we went after those issues, and we went after them immediately, and we dealt with them. That is how we maintained and enhanced the reputation of that company.

It was amazing to me, and I am disappointed we did not push harder 6 months ago because, you know, the House in different polls has an approval rating of integrity. Now on a good day of 29 percent of the American people believing we are doing a good job, and on a bad day we are in the high teens. And this is one of the reasons. They have read these allegations. They have

seen employees of the House indicted, pleading guilty. That has been a part of the public record. In town meetings they consistently ask me, "Well, what are you doing to help clear up these final allegations to restore confidence in the House, to clear the names of those people that have perhaps been implicated or to get to the bottom of the issue?" And it is kind of like well, we have a resolution and it is ready, but we are waiting for an approval to go ahead, which we have now found out has not come, probably never would. And the only way that we are going to do it is to push it forward ourselves.

That is why it is a very straightforward question we are going to be asking this House: Are we going to participate in the process, take ownership for our reputation, our integrity, or are we going to abdicate that responsibility and give it to somebody else? And as soon as we abdicate it and give it to somebody else, we are going to lose it. We need to be tackling this issue from inside the House. We should have done it the first time any allegations were made. If we had done that, this issue would have been settled a long time ago. People would have had a greater degree of confidence in what we do here. And most importantly, they would have had a higher degree of respect not only for how we deal with ethical issues, but how we deal with the tough issues that are facing this country today.

They feel that we are out of touch. They feel that we are not capable of making the tough choices, the tough decisions as regards ethics. If we cannot deal with ethical issues within the House, how can they expect us to deal with the other issues that we are facing within this country?

Common sense. They look at it and they say well, with these allegations, how can you just be sitting on your hands and not doing anything? They do not see us as having common sense. They do not see us listening to our constituents who are constantly bringing up these ethical issues that we are not doing anything about. And they ask their own question: "I wonder now if I did something like that with a government program, I wonder what would happen to me? You know, do I think it would kind of just go away in 6 or 8 months later?" No, they know that it would not, that the Justice Department, that the long reach of the Federal Government and the judicial system would reach out and grab them. And they are wondering why does it not happen in the House itself.

I think the bottom line is they are asking for results and not excuses.

Mr. ISTOOK. I thank the gentleman. Reclaiming my time, I think the gentleman is exactly correct.

This is a question of privilege among other things. It is a question of privilege. Are we to be treated differently and to have some sort of immunity from prosecution for an act such as embezzlement because we are elected officials, because we are in Washington, DC, because we are the focus of power in this country and somehow we have acquired an immunity? Of course we have not. And that is what the public is so mad about, that we are not treated like regular people. We do not try to be treated like regular people. We do not act like regular people.

The gentleman mentioned his corporation and the company he worked for and the reputation he had attained. Is there any company, any company anywhere in the United States of America that if there were allegations like this of embezzlement by a company official so they would say, "Well, we can't do anything about it, we will turn it over to the prosecutors and maybe they will do something"? But meantime, the guy is still on our payroll, he can still pilfer from the till if he is so inclined to do so, and nothing has changed. That would be totally unacceptable in any business in this country, and it is totally unacceptable for this House to bury its head in the sand rather than get to the bottom of this.

□ 2030

Mr. HOEKSTRA. If the gentleman will yield further, yes, I think the real statement here, I think, is we are talking about, I think, what the problem we are facing is that we are stating almost as a fact the allegations are true; and all we are seeking for is that the House be given the opportunity, not the opportunity, that the House do their responsibility and get to the bottom of the allegations so that we can either prove that the allegations are true or discover that they are false.

I think that the American people, by watching us and seeing that over a period of 6 months we have not done anything, they are assuming that we as an institution have something that we do not want to take a look at and that we hope will go away and something that will be embarrassing to the House; and that we need to get to the bottom of it, and we need to get to the bottom of it now.

Mr. ISTOOK. Reclaiming my time, the gentleman correctly states that the resolution does not pass judgment upon any Member. It does not say allegations are true.

Certainly each of us are going to have varying degrees of personal opinion, and let us take this scenario that we have, if someone is going to go into Federal court and accuse a Member of the U.S. Congress of being part of a conspiracy with him for embezzlement, if his hands were clean and this had not occurred, then you anticipate what would have happened is he would have tried to plea bargain where he does not have to plead guilty to something, and he gets immunity from prosecution. In this case, the gentleman pleaded guilty, he was found guilty on three counts of conspiracy of embezzlement. I am not asking any Member to join me in my opinion of the truth of the allegations. I am asking Members to join me in getting to the bottom of it.

The ethics committee has not prejudged what has occurred or not occurred and they should not prejudge.

But, by golly, they had better get to the bottom of it.

Mr. WALKER. If the gentleman will yield, I think the gentleman from Michigan has performed a real service here by going back and reiterating what is in this resolution, and if I understand it, if we can simplify it, I mean, the bottom line is here the resolution requires the ethics committee to investigate the House post office to determine whether House rules were broken and whether public funds were embezzled by Members of Congress. I mean, that is the bottom line.

Mr. ISTOOK. Reclaiming my time if I can add a very important point, I say to the gentleman from Pennsylvania [Mr. WALKER], it also says that the report from the ethics committee on this matter should be issued and should be issued to the public and, of course, we know that the ethics committee has the authority in a proper case to recommend to this body that a Member be censured or even expelled, and that is also, of course, an important thing to know about the significance of this resolution.

Mr. WALKER. I think that is useful.

But, you know, really what we are doing with this resolution if it would pass would be to ask as a House for our ethics committee to investigate these charges.

Now, that being the case, then I assume that you are intending at this point to bring this to the floor for a vote. Is that correct?

Mr. ISTOOK. That is correct, I say to the gentleman from Pennsylvania, and I might specify, of course, the House rule under which this is intended to be brought up states a privileged resolution can be offered by any Member upon the grant of 2 days' prior notice to this House and under the rule, and I believe the rule number is rule LI, the Speaker is then to schedule that for a vote, and I believe that the time is imminent that that needs to be done and will be done. I certainly hope that Members of this body when they are in their districts, for example, for town hall meetings, and there will be hundreds, maybe even thousands of those conducted in the next week and a half, and I certainly hope they will hear from their constituencies, their constituents, sharing with them the strength and depth of their feelings that we need to restore integrity and get to the bottom of these allegations.

Mr. WALKER. If I could just follow up for a moment, I just want to clarify

a point: If this resolution is brought to a vote, those who vote "yes" will be voting to investigate and to report. I suspect that there are going to be a lot of "no" votes on the resolution. I wonder if the gentleman would care to speculate what a "no" vote on such a resolution might mean.

Mr. ISTOOK. I think it is obvious that a "no" vote means "Do not investigate, do not report, do not do anything."

Mr. WALKER. And so this is a matter that a "no" vote really means that you are willing to allow this matter to be buried, never to come before the House, and that you are willing to accept the fact that a guilty plea with regard to embezzlement and potential involvement of Members of Congress is something that the House is willing to ignore. I mean, to say that you vote "no" is to ignore the public pleading and suggest that the House has no further action to take.

Mr. ISTOOK. Unfortunately, I would have to agree.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. WALKER, I think what a "no" vote means is that those Members are unwilling to take the accountability and responsibility for the integrity and the honor of the House and that they are willing to let some outside agency bear that responsibility. Again, an abdication of their role as a Member of this House is how I would interpret a "no" vote.

Mr. WALKER. That is pretty good.

Mr. ISTOOK. I yield to the gentleman from Indiana.

Mr. BUYER. I think you are right. If a "yes" vote, I say to the gentleman from Oklahoma [Mr. ISTOOK], on your resolution is for dignity and the integrity of this body, if that is what a "yes" vote means, then if a Republican or a Democrat votes "no," it is the opposite, and if that is what a "no" vote is going to mean, then it is going to mean, "Let us just cover it up, let us make it go away, let us not talk about ethics, because, you know, we have got some other big issues we want to talk about; let us not let any scandals sideline health care, welfare reform, crime," whether it is the President or whether it is this body, the kind of let-it-go-away situational ethics stuff. I think that a "no" vote or anybody that votes "no" on this resolution has a lot of explaining to do when that Congressman or Congresswoman goes back to their district and has to tell their constituents, "I voted to cover up the scandals in Washington."

Holy smokes, how are you going to explain that one? That is pretty tough.

I think that is what you are referring to when the American people put the heat on this body, that is what is important, and maybe what is occurring right now is we have the Democrat Party has been in control of this body for 40 years. I am 35 years old. They have been in control of this body for 40 years, longer than any other democratic nation in this world.

This body has become an undemocratic institution. We need to reign in, reign in character and integrity and dignity. That is a "yes" vote. A "no" vote is for more of the same in politics in Washington. It is wrong.

I am hopeful the American people turn on the heat, put on the pressure on any Republican or Democrat that votes for business as usual here in this body. It is wrong.

Mr. ISTOOK. Reclaiming my time, gentlemen, I think that we are about out of our allotted time on this.

I certainly hope, as you mentioned I say to the gentleman from Indiana [Mr. BUYER], that the American people will let their Member of Congress know of their feeling on this. I certainly hope the vote that is taken in this body will not fall along partisan lines, because integrity is not a partisan issue, character is not a partisan issue, honesty is not a partisan issue, and I would certainly hope that the good men and the good women on both sides of the aisle will join together and see the importance and significance of the resolution.

But I would like to close though by reading an important quote from a former President of this Nation, one that is not heard from frequently, and that is President James Garfield. And President Garfield wrote, and, of course, that was several decades ago:

> Now more than ever before the people are responsible for the character of their Congress. If that body be ignorant, reckless, and corrupt, it is because the people tolerate ignorance, recklessness, and corruption. If it be intelligent, brave, and pure, it is because the people demand these high qualities to represent them in the national legislature. If the next centennial does not find us a great nation, it will be because those who represent the enterprise, the culture, and the morality of the nation do not aid in controlling the political forces.

I would certainly agree with the statement of President Garfield, and I believe that the American people are committed not to tolerate ignorance, not to tolerate recklessness, not to tolerate corruption, and certainly not to tolerate the kind of behavior that has been alleged against Members of this body. I believe the American people want us to pursue it internally.

Let the Justice Department do what it will, but we need to pursue it. We need to pass the resolution instructing the ethics committee to take this action, to make this investigation and let the chips fall where they may.

I thank you gentlemen for assisting this evening. Madam Speaker, I thank you for your patience with us.

□ 2040

COMMUNICATION FROM HON. EARL POMEROY, MEMBER OF CONGRESS

The SPEAKER pro tempore (Ms. EDDIE BERNICE JOHNSON of Texas) laid before the House the following communication from Hon. EARL POMEROY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1994.

Hon. THOMAS FOLEY,
Speaker of the House, Washington, DC.

DEAR THOMAS: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena to give a witness deposition. The subpoena was issued by the District Court of North Dakota, South Central Judicial District in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

EARL POMEROY,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. MICHEL) for today and Wednesday, February 9, on account of the snowstorm in New Jersey today and to attend a funeral on February 9.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today, on account of illness.

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, on February 10.

Mr. HINCHEY, for 10 minutes, on February 28.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 60 minutes, today.

Mr. BACHUS of Alabama, for 60 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BALLENGER) and to include extraneous matters:)

Mr. SMITH of Michigan.

Mr. BOEHLERT in two instances.

Mr. WALSH in two instances.

Mr. BURTON of Indiana.

Mr. LEWIS of California in two instances.

Mr. FIELDS of Texas.

Mrs. MORELLA.

Mr. BALLENGER.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matters:)

Mr. FORD of Michigan.

Mr. CONYERS.

Mr. HOYER.

Mrs. MALONEY in four instances.

Mr. TRAFICANT.

Mr. DIXON.

Mr. BERMAN.

Mr. PENNY.

Mr. BROOKS.

Mr. STARK.

Mr. MARKEY.

Mr. SCOTT.

Mr. FRANK of Massachusetts.

(The following Members (at the request of Mr. ISTOOK) and to include extraneous matters:)

Mr. MAZZOLI in two instances.

Mr. TORRICELLI.

Mrs. COLLINS of Illinois.

Mr. MOAKLEY.

Mr. KILDEE.

Mr. CLYBURN.

Mr. HANSEN.

Mr. LANTOS.

Mr. CHAPMAN.

Mr. HAMILTON.

Mr. SMITH of Michigan.

Mr. MFUME.

Mr. KYL.

Mr. SMITH of Iowa.

Mr. ROTH.

ADJOURNMENT

Mr. ISTOOK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, February 9, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2550. A communication from the President of the United States, transmitting his request for fiscal year 1994 supplemental appropriations for the Departments of Housing and Urban Development and Transportation and Funds Appropriated to the President, in addition a fiscal year 1995 budget amendment for the Office of Administration within the Executive Office of the President, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-207); to the Committee on Appropriations and ordered to be printed.

2551. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Commission's 1991 annual report on progress in implementing requirements concerning the Nation's worst hazardous waste sites, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2552. A communication from the President of the United States, transmitting notification of the resignation of Richard J. Hankinson from the position of Inspector General of the U.S. Department of Justice; to the Committee on Government Operations.

2553. A communication from the President of the United States, transmitting a report entitled "Progress Toward Regional Nonproliferation in South Asia," pursuant to 22 U.S.C. 2376(c); jointly, to the Committees on Appropriations and Foreign Affairs.

2554. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

2555. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Aviation Investment Act of 1994"; jointly, to the Committees on Public Works and Transportation, Science, Space, and Technology, and Ways and Means.

2556. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, Science, Space, and Technology, the Judiciary, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 352. Resolution providing for the consideration of the bill (H.R. 811) to reauthorize the independent counsel law for an additional 5 years, and for other purposes (Rept. 103-419). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS (for himself and Mr. TORKILDSEN):

H.R. 3807. A bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; to the Committee on Merchant Marine and Fisheries.

By Mr. MONTGOMERY:

H.R. 3808. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs has the necessary authority and flexibility to provide staffing levels for the Veterans Health Administration of the Department of Veterans Affairs as necessary to meet the responsibility of the United States to provide health care services to eligible veterans and to permit implementation of national health care reform by the Department; to the Committee on Veterans' Affairs.

By Mr. BROOKS:

H.R. 3809. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mr. CHAPMAN (for himself, Mr. FROST, Mr. BAESLER, Mr. BARLOW, Mr. BOUCHER, Mr. BEREUTER, Ms. LAMBERT, Mr. WILSON, and Mr. SARPALIUS):

H.R. 3810. A bill to amend the Federal Water Pollution Control Act to provide additional assistance to rural and disadvantaged communities under the State water pollution control revolving loan fund program, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BERMAN (for himself, Mr. MCKEON, Mr. BEILENSON, Mr. GALLEGLY, Mr. WAXMAN, Mr. MOORHEAD, Mr. MATSUI, and Mr. DIXON):

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to allow the casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Ways and Means.

By Mr. FIELDS of Texas (for himself and Mr. LAUGHLIN):

H.R. 3812. A bill to require immediate action to remove sunken or grounded vessels that obstruct navigable waterways; to the Committee on Public Works and Transportation.

By Mr. GEJDENSON (for himself, Mr. STUDDS, Ms. FURSE, Ms. CANTWELL, Mr. ROTH, and Mr. MEYERS of Kansas):

H.R. 3813. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Foreign Affairs.

By Mr. GEKAS (for himself, Mr. THOMAS of California, and Mr. ROTH):

H.R. 3814. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself and Mrs. BENTLEY):

H.R. 3815. A bill to authorize the Secretary of Transportation to convey a vessel in the National Defense Reserve Fleet to a nonprofit organization; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY:

H.R. 3816. A bill to provide grants to the States to allow States to employ additional prosecutors; to the Committee on the Judiciary.

By Mr. MANTON (for himself, Mr. STUDDS, and Mr. YOUNG of Alaska):

H.R. 3817. A bill to amend the Fishermen's Protective Act; to the Committee on Merchant Marine and Fisheries.

By Mr. PENNY:

H.R. 3818. A bill to establish a Middle East Development Initiative to provide development assistance to countries in the Middle East region for the purpose of promoting the peace process in that region; to the Committee on Foreign Affairs.

By Mr. POMEROY (for himself, Mr. WILLIAMS, and Mr. PETERSON of Minnesota):

H.R. 3819. A bill to terminate the North American Free Trade Agreement as it applies to Canada and the United States-Canada Free-Trade Agreement and to impose additional duties on grain imported from Canada, until the United States and Canada renegotiate the provisions of the agreements regarding the importation of Canadian grain; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. PICKLE, and Mr. MONTGOMERY):

H.R. 3820. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BACHUS of Alabama (for himself, and Mr. EWING):

H. J. Res. 319. Joint resolution directing the Secretary of Health and Human Services to propose to the Congress, not later than May 18, 1994, possible solutions to the impending deficit in the Federal Disability Insurance Trust Fund; to the Committee on Ways and Means.

By Mr. BLUTE:

H.J. Res. 320. Joint resolution designating April 11, 1994, as "Persian Gulf War Veteran Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that information regarding the conviction of child-related sex offenses should be available to employers, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. SOLOMON:

H. Con. Res. 204. Concurrent resolution to correct the enrollment of H.R. 3759; jointly, to the Committees on House Administration and Appropriations.

By Mr. OWENS:

H. Res. 351. Resolution to agree to the Senate amendment to the bill (H.R. 2339) with an amendment; considered and agreed to.

By Mr. CONYERS:

H. Res. 353. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the 2d session of the 103d Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 101: Mr. RIDGE.

H.R. 253: Mr. JEFFERSON.

H.R. 302: Mr. SHUSTER, Mr. WILSON, Mr. BREWSTER, Ms. DELAURO, Mr. KLEIN, Mr. HALL of Ohio, and Mr. LEVY.

H.R. 326: Mr. WAXMAN, Mr. KLECZKA, Mr. SWIFT, and Mr. HALL of Ohio.

H.R. 393: Mrs. KENNELLY.

H.R. 417: Mr. FIELDS of Louisiana.

H.R. 441: Mr. KILDEE.

H.R. 543: Mr. HORN.

H.R. 702: Mr. SWETT and Mr. SCHAEFER.

H.R. 799: Mr. SUNDQUIST.

H.R. 846: Mr. MCCOLLUM, Mr. LEVY, Mr. FARR, Ms. MARGOLIES-MEZVINSKY, Mr. FRANKS of Connecticut, Mr. GREENWOOD, Ms. PELOSI, Mr. PALLONE, Mr. ZELIFF, and Mr. SANGMEISTER.

H.R. 911: Mr. HALL of Texas.

H.R. 972: Mr. ACKERMAN.

H.R. 1015: Mrs. MORELLA.

H.R. 1055: Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. RANGEL, and Mr. SCHIFF.

H.R. 1088: Mr. TAYLOR of North Carolina.

H.R. 1392: Mr. BARTLETT of Maryland.

H.R. 1407: Mr. FISH.

H.R. 1414: Mr. SOLOMON.

H.R. 1421: Mr. LIPINSKI.

H.R. 1474: Mr. STENHOLM.

H.R. 1500: Mr. STUDDS, Mr. MORAN, and Mrs. MORELLA.

H.R. 1529: Mr. PORTMAN.

H.R. 1532: Mr. BAKER of Louisiana, Mr. BLUTE, Mr. LANCASTER, Mr. BROWN of California, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. GORDON, and Mr. RICHARDSON.

H.R. 1555: Mr. SHAYS and Mrs. MALONEY.

H.R. 1563: Mrs. BYRNE.

H.R. 1600: Mr. BATEMAN, Mr. BACHUS of Alabama, Mr. ENGEL, Mr. BROWN of Ohio, and Mr. MCINNIS.

H.R. 1605: Mr. FRANKS of New Jersey and Mr. ARMEY.

H.R. 1606: Mr. ARMEY.

H.R. 1607: Mr. BARTLETT of Maryland, Mr. KILDEE, and Mr. HOYER.

H.R. 1620: Mr. GOSS.

H.R. 1621: Mr. BARTLETT of Maryland, Mr. KILDEE, Mrs. MALONEY, Mr. MCINNIS, and Mr. WHEAT.

H.R. 1673: Ms. SLAUGHTER, Mr. KILDEE, and Mrs. MALONEY.

H.R. 1747: Mr. BARCA of Wisconsin.

H.R. 1785: Mr. PAXON and Mr. ALLARD.

H.R. 1843: Mr. MCCANDLESS.

H.R. 1887: Mr. GOODLATTE and Mr. DUNCAN.

H.R. 1961: Ms. SCHENK.

H.R. 2022: Mr. LEWIS of Georgia.

H.R. 2221: Mr. BACHUS of Alabama and Mr. PARKER.

H.R. 2241: Mr. SHAYS.

H.R. 2286: Mr. DIXON and Mr. JOHNSON of Georgia.

H.R. 2396: Mr. PARKER and Mrs. MALONEY.

H.R. 2447: Mr. GENE GREEN of Texas, Mr. STARK, Mr. HAMBURG, Mrs. JOHNSON of Connecticut, and Ms. WOOLSEY.

H.R. 2464: Mrs. SCHROEDER.

H.R. 2623: Mr. ROGERS, Mr. ZIMMER, Mr. SUNDQUIST, Mr. CHAPMAN, Mr. TAYLOR of North Carolina, Mr. HYDE, Mr. EVANS, Mr. VALENTINE, Mr. KIM, and Mr. PETERSON of Minnesota.

H.R. 2749: Mr. TRAFICANT.

H.R. 2759: Mr. COX, Mr. KOPETSKI, Ms. SCHENK, Mrs. FOWLER, Mr. GINGRICH, Mr. SWETT, and Ms. CANTWELL.

H.R. 2918: Mr. GILCHREST and Mr. SHAYS.

H.R. 2957: Mr. MCCRERY, Mr. BISHOP, and Mrs. LLOYD.

H.R. 3007: Mr. MENENDEZ.

H.R. 3017: Mrs. VUCANOVICH and Mr. FORD of Michigan.

H.R. 3021: Mr. TORRICELLI.

H.R. 3030: Mr. BACHUS of Alabama and Mr. HUTCHINSON.

H.R. 3031: Mr. BACHUS of Alabama, Mr. GOSS, Mr. UPTON, Mr. HUTCHINSON, Mr. GRAMS, and Mr. INHOFE.

H.R. 3080: Mr. RIDGE.

H.R. 3100: Mr. DELLUMS, Ms. PELOSI, Mr. SCOTT, Mr. HINCHEY, and Mr. HAMBURG.

H.R. 3109: Mr. HUGHES and Mr. ZIMMER.

H.R. 3128: Mr. FINGERHUT and Mr. NADLER.

H.R. 3173: Mr. CRAMER.

H.R. 3234: Mr. FLAKE, Mr. ROMERO-BARCELO, and Mr. SERRANO.

H.R. 3246: Mr. ORTON and Mr. STUPAK.

H.R. 3320: Mr. DUNCAN, Mr. PARKER, Mr. PACKARD, and Mr. YOUNG of Alaska.

H.R. 3328: Mr. HANCOCK, Mr. CONYERS, Mr. FINGERHUT, Mr. STEARNS, and Ms. SHEPHERD.

H.R. 3370: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3392: Mr. KREIDLER and Mr. KNOLLENBERG.

H.R. 3424: Mr. HALL of Texas, Mr. MONTGOMERY, Mr. BILBRAY, Mrs. VUCANOVICH, and Mr. FINGERHUT.

H.R. 3490: Mr. NEAL of North Carolina.

H.R. 3513: Mr. BROWN of Ohio, Mr. COSTELLO, Mr. DORNAN, and Ms. DANNER.

H.R. 3527: Mr. STUDDS, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. ABERCROMBIE, and Mr. RANGEL.

H.R. 3542: Mr. ABERCROMBIE.

H.R. 3546: Mr. VALENTINE and Mr. MANZULLO.

H.R. 3573: Mr. SPRATT.

H.R. 3633: Mr. BALLENGER, Mr. BAKER of California, Mr. CAMP, Mr. HOBSON, Mr. INGLIS of South Carolina, Mr. STUMP, Mr. ZELIFF, Mr. BOEHNER, Mr. SMITH of Michigan, Mr. DORNAN, and Mr. BARTON of Texas.

H.R. 3645: Mr. LIGHTFOOT.

H.R. 3706: Mr. COLEMAN, Mr. HINCHEY, Mr. RAVENEL, and Mr. SERRANO.

H.R. 3727: Mr. GORDON.

H.R. 3757: Mr. PENNY, Mr. SABO, Mr. WHEAT, Mr. FROST, and Mr. COMBEST.

H.R. 3785: Mr. GLICKMAN.

H.R. 3789: Mr. DORNAN.

H.R. 3790: Mr. MCDADE, Mr. MCCLOSKEY, and Ms. DANNER.

H.R. 3799: Mr. BERMAN.

H.R. 3802: Mr. COPPERSMITH and Mr. DUNCAN.

H.J. Res. 122: Mr. HOYER.

H.J. Res. 276: Mr. DOOLITTLE, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. MCCOLLUM, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mrs. MINK, Mr. SERRANO, Mr. NATCHER, Mr. BORSKI, Mr. MURPHY, Mr. MURTHA, Mr. TOWNS, and Mr. FRANKS of Connecticut.

H.J. Res. 291: Ms. SNOWE, Mr. UNDERWOOD, Mr. EVANS, Mr. HUGHES, Mr. CLEMENT, Mr. BOEHLERT, Mr. QUILLEN, Mr. MARTINEZ, Mr. ROTH, Mr. EMERSON, Mr. FROST, Mr. NEAL of North Carolina, Mr. BATEMAN, Mr. BOUCHER, Mr. JEFFERSON, Mr. ROMERO-BARCELO, and Mr. BAESLER.

H. Con. Res. 3: Mr. MCCOLLUM, Mr. DORNAN, Mr. STEARNS, Mr. HUTCHINSON, Mr. OBERSTAR, and Mr. STUPAK.

H. Con. Res. 122: Mr. FIELDS of Texas, Mr. DIAZ-BALART, and Mr. PORTER.

H. Con. Res. 147: Mr. HOEKSTRA, Mr. BACHUS of Alabama, and Mr. POSHARD.

H. Con. Res. 166: Mr. SENSENBRENNER.

H. Res. 238: Mr. ARMEY, Mr. BLILEY, Mr. GINGRICH, Mr. HOKE, Mr. KNOLLENBERG, Mr. LINDER, Mr. MCKEON, Mr. WALKER, Mr. SMITH of New Jersey, and Mr. ROHRABACHER.

H. Res. 330: Mr. LINDER.

H. Res. 343: Mr. QUINN, Mr. MCCURDY, Mr. MACHTLEY, Mrs. MALONEY, Mr. BEILENSON, Mr. RAMSTAD, Mr. JOHNSON of Georgia, Ms. MARGOLIES-MEZVINSKY, Mr. FRANK of Massachusetts, Mr. BORSKI, Ms. HARMAN, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. ROHRABACHER, and Mr. MCDADE.

EXTENSIONS OF REMARKS

A TRIBUTE TO VETERANS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MORELLA. Mr. Speaker, it is always appropriate for us to reflect upon, and be grateful for, the freedoms preserved by our brave fighting men and women. We accept these freedoms as second nature, but it is appropriate to remind ourselves that they must be protected and nurtured.

Through the decades, our military has defended not only our freedom, but also freedom for people throughout the world.

A tribute to veterans was eloquently presented last Veterans Day by the State commander of the Maryland Veterans of Foreign Wars, Joseph W. Nassar. Following is the text of his speech as a reminder of our precious freedom and the dedication of our veterans.

Seventy-five years ago at the eleventh hour of the eleventh day of the eleventh month, World War I came to an end. The armistice was signed at 11:00 a.m. on November 11, 1918.

Five million Americans served in that war; 117,000 were killed, 204,000 wounded.

Three years later on November 11, 1921, an unknown soldier from World War I was buried in Arlington National Cemetery. Other nations paid the same tribute to their war dead and the day became known as Armistice Day, and would have remained Armistice Day forever had not World War II come along and then Korea.

Those who served in those wars and the survivors of those who died wanted a day on which their service could be remembered and their loved ones honored.

In 1954, President Eisenhower proclaimed November 11th as Veterans Day, and asked that on this day all Americans rededicate themselves to the cause of peace.

Today, at this observance, all of us share in that rededication, and we share too in a rededication to America and what this country stands for, and to an appreciation of what our veterans have done in protecting our American way of life.

The VFW theme for this year is "Commitment to Service." We are committed to serving the needs of our fellow veterans and the needs of our country.

One area in which we are very committed is that of foreign affairs. As our name implies, all of our members have served overseas in wartime. We know what happens when diplomacy fails and governments send armies onto the field of battle.

In this century, American military forces have been on the field of battle 45 times. It's easy to recall the big ones, WWI, WWII, Korea and Vietnam, but what about the North Russia Campaign, 1918–1919; After WWI was over. And the expedition to Siberia 1918–1920.

How about the North Atlantic Naval War of 1941—took place months before Pearl Harbor.

The list is long and painful to read because each location brings to mind the fact that Americans served there and Americans died there: The Chinese Civil War 1945–1947; Lebanon 1958; Belgian Congo 1960; Bay of Pigs 1961; Dominican Republic, Panama, Iran, Libya, Honduras, El Salvador—the list is long and in each case those who served were there to promote the national interests of the United States and to further the ideals of peace and freedom.

But as we meet here to honor the millions of Americans who have served our country, we cannot help but think of those American military forces now deployed on very questionable missions.

Less than a year ago, the Bush administration sent American forces to Somalia to assist in distributing food and medical care to the starving and sick. It was a noble mission and we were proud of our country and its ability to respond to a major international crisis. That mission, operation Restore Hope, Ended in May of this year. Yet our troops remain in Somalia. Why?

On October 3rd, 18 American Servicemen were killed in Somalia. killed by the same people they had been sent to feed and heal. And the bodies of some dragged through the streets.

Instead of realizing that we were no longer welcome there and that it was time to bring the troops home, the Clinton administration sent in more troops, Why?

The VFW response came out in a news release on October 5th. VFW national Commander-in-chief George R. Cramer said, "Americans are united in horror at the photographs of our servicemen being defiled by the Somalis they went to save. This action must teach us a lesson to stay out of places where our national interest is not at risk. The original mission of feeding the starving Somalis has long been over and our troops should have returned home long ago."

That's the VFW position. Even before the outrage of October 3rd, we had called for an end to the operation in a resolution adopted at our national convention in August. We have 2.2 million members in the VFW—they represent a cross section of America, and the opinion of that group is, bring the troops home.

Even while our government tries to find a purpose for the troops it is sending to Somalia other American forces are at sea off the coast of Haiti. They tried to land once but were asked to go away. Now they wait offshore while our government tries to come up with another idea on what to do with Haiti.

The answer to that question was given to us in 1934: Nothing. We first went to Haiti in 1915 to do some "nation building." Nineteen years later we came home. Other than building some roads and schools and clinics, and drilling a few fresh-water wells, we accomplished nothing. Haiti was the same the day we left as it had been the day we arrived. And if we land troops there tomorrow and leave them there for another 19 years, nothing will have changed.

Bring the troops home.

We've covered a lot of commitments this century. Anyone who would question that has only to look at the history of this turbulent and war-torn century.

Though punctuated with gunfire, this is a new era of world peace unlike any seen before. Despite the dangers and outrages, the misery of many and the burdens still to bear, this is also an era of great promise. Let's meet the challenge of peace.

If we are going to feed the hungry and heal the sick, let's take care of our own first. If we're going to take part in "nation building," let's do it here in America first. If we're going to take a stand against violence, terrorism and crime in the streets, let's do it today, right here in America. Our citizens deserve nothing less.

If we're going to bring to life the spirit of our own Declaration of Independence—"We hold these truths to be self-evident that all men are created equal, with certain unalienable rights * * * life, liberty and the pursuit of happiness," and the promise of our own Constitution: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves * * *" then we are going to have to devote our time, energy and commitment to doing them here at home, in America.

We cannot continue to pursue foreign policies which have no merit or virtue and which put American men and women in harm's way for purposes which do not serve any national policy.

I thank all of you for taking part in this very special observance of Veterans Day. I take pride in being a veteran and I take pride in all of the veterans we honor today. And I take great pride in those active duty military forces we have, at home and abroad, serving our nation.

TRIBUTE TO THE 75TH ANNIVERSARY OF B'NAI B'RITH WOMEN, PARADISE CHAPTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of the B'nai B'rith Women of San Bernardino, CA. The Paradise Chapter of B'nai B'rith Women will celebrate the 75th anniversary of its founding in 1919 on February 23 with a birthday party at Temple Emanu El in San Bernardino.

The Paradise Chapter of B'nai B'rith is the second oldest among over 1,600 chapters in the United States committed to fostering human understanding and providing essential services to the community and throughout the United States. Appropriately, the chapter's motto is "Pledged to Serve."

The contributions of the Paradise Chapter to our local community is extremely well known.

Over the years, B'nai B'rith has served Norco Naval Hospital, Banning Hospital, San Bernardino County Hospital, and has received special recognition for its part in Operation Sendoff at Norton Air Force Base. Presently, this wonderful organization is involved in ongoing projects at March Air Force Base regional hospital and the Loma Linda veterans hospital.

The community service programs of B'nai B'rith Women span many generations, from prenatal care to assistance for older adults. In addition, the chapter works in partnership with the National Foundation of the March of Dimes on Operation Stork, designed to reduce birth defects and infant mortality.

Additionally, B'nai B'rith Women works in conjunction with the Anti-Defamation League of B'nai B'rith in promoting human relations through sponsoring interfaith seminars and introducing its Dolls for Democracy program, sharing the stories of great humanitarians of various creeds and religions to thousands of children in hundreds of public and parochial schools.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to this most deserving organization. Throughout its 75 years, the Paradise Chapter of B'nai B'rith Women has demonstrated a tremendous commitment to the betterment of mankind and has touched the lives of many people in our community. It is only fitting that the House recognize the B'nai B'rith Women today.

UKRAINIAN NATIONAL ASSOCIATION CELEBRATES 100TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place later this month. On February 22, 1994, the Ukrainian National Association [UNA], a fraternal insurance organization which was founded in Shamokin, PA, will mark its 100th anniversary. Its creation was sparked by the founding in 1893 of Svoboda, the first Ukrainian newspaper printed in the United States. Svoboda began publishing on September 15, 1893, and is now the oldest Ukrainian newspaper in the world.

Svoboda's founder and editor, Rev. Gregory Hrushka, had clearly seen the need for a financial organization in the growing Ukrainian immigrant community, and it was his visionary leadership which made this idea a reality. Upon the establishment of the Ukrainian National Association, Svoboda became its official organ. It still is today.

UNA began with just 13 branches in 1894, but has steadily expanded to its present 370 branches in the United States and Canada. It is the largest Ukrainian-American fraternal insurance organization, with over 66,000 members and over $100 million in assets. UNA now has branches in 27 States in the United States and 7 provinces in Canada.

In addition to providing for the life insurance needs of tens of thousands of Ukrainian Americans by offering low-cost insurance protection, UNA provides its members with a wide range of social, educational, cultural, and charitable benefits. UNA has contributed immeasurably to preserving the traditions and customs of Ukrainians in the United States, and consequently to enriching American culture.

Along with Svoboda, UNA has also published the Ukrainian Weekly, an English language newspaper, for over 60 years and a monthly children's magazine entitled "Veselka" which means "Rainbow." UNA has an ongoing commitment to promoting literature which deals with Ukrainian subjects.

UNA works even more directly with the Ukrainian-American community, providing over $120,000 in scholarships to its members each year, and operating a retirement home for senior citizens. UNA is also a major patron of the Ukrainian community's cultural and religious activities. Over the 100 years since UNA's establishment, countless Ukrainian churches and community centers owe their existence to UNA's generous low-interest mortgage loans.

In June 1964, President Dwight D. Eisenhower dedicated a monument in Washington, DC to Taras Shevchenko, the national poet of Ukraine. This was a major project initiated by UNA. The Ukrainian Congress Committee of America [UCCA] and the Ukrainian American Coordinating Council [UACC] were both established by UNA to better coordinate the work of the many financial, social, youth, and political organizations in the Ukrainian-American community. Their establishment is just another example of UNA's visionary leadership in its community.

And while UNA was established to assist Ukrainians living in the United States and Canada, it has never lost sight of the struggles and aspirations of Ukrainians in Ukraine. Throughout its history, UNA has assisted the cause of a free and independent Ukraine by bringing to the attention of the American people and government the events taking place in Ukraine. UNA has always risen to meet the challenges which the people of Ukraine have faced, from assisting the many refugees created by World War II, to providing assistance to the victims of natural disasters.

Now that Ukraine has at long last achieved its independence, that commitment has taken on new meaning. In 1990, UNA established a fund to provide humanitarian, educational, and technical assistance to Ukraine. This fund has been a tremendous success, and UNA is continuing to work with the United States Government and numerous private voluntary organizations to promote the establishment of democratic and free-market institutions in Ukraine. This assistance took on a new dimension with the creation, in 1992, of the Ukrainian National Foundation which will further coordinate humanitarian and development programs.

Because the Ukrainian National Association has been assisting the Ukrainian-American community and the people of Ukraine for a century, and because it has become the keystone of the Ukrainian-American community through its extensive membership network, newspapers, foundations, and offices in both Ukraine and here in the United States, I would like my colleagues to join me in congratulating UNA on its 100th anniversary and wishing it another 100 years of good fortune and service to the Ukrainian-American community, Ukraine, and the United States.

TRIBUTE TO PAUL A. DODD

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. WALSH. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a skilled and talented public servant, Paul A. Dodd, the New York State director of the Soil Conservation Service, on the occasion of his recent retirement.

I have worked with Paul and found his professional expertise to be as vast as his dedication. As I said in a statement at his retirement party last month, my envy over his retirement is exceeded only by my admiration of his career.

Future SCS directors will have a big job in trying to duplicate his performance—whether in service to taxpayers or mentoring of coworkers.

It is significant that, just as he retires, we in central New York are set to benefit from his 35 years of watershed management experience—from the Bush Creek watershed in West Virginia in the 1960's to the New York City watershed just a few years ago.

Our recent project is a watershed protection pilot program, which will use Federal funding to educate property owners about how to help protect Skaneateles, Otisco, and Owasco Lakes.

One way we can judge our work in public service is to observe the impact. As many of those Paul has taught go on to great careers of their own, he can be extremely proud. No doubt the SCS will see the results for years to come.

CAPITAL FLIGHT FROM RUSSIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. HAMILTON. Mr. Speaker, in November I wrote Ambassador Strobe Talbott seeking information on the magnitude of capital flight from Russia.

The response which I received in late January states that capital flight was $14 billion in 1991, in the range of $9 to $12 billion in 1992, and would be close to the 1992 level in 1993.

Given rising concern over the direction and nature of Russian reform and over the most effective use of United States assistance, I am inserting in the RECORD the full text of the response to my inquiry:

U.S. DEPARTMENT OF STATE,
Washington, DC, January 26, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am responding to your letter of November 30 regarding Russian capital flight and debt as they relate to our assistance program. I regret the delay in this response.

Capital flight in 1992 has been estimated at $9–12 billion, somewhat less than the $14 billion estimated for 1991, because of the sharp fall in exports and the reduced opportunity for capital flight. The volume of capital flight in 1993 will probably be close to 1992 levels. Government efforts to control capital flight include elevating the Federal Export Currency Control Service to the ministerial level and the transfer of former security service personnel to its staff as of 28 September 1993. Legally held hard currency accounts—different from "capital flight"—include funds held overseas for buying imports; Russia probably has $15 to 25 billion in declared accounts. The bulk of Russian capital flight is the result of barter deals, misreported or underreported exports. Enterprises use capital flight as a means of protecting themselves from inflation or the high taxes on hard currency export earnings. Before July 1992, 50 percent of these earnings had to be sold at an unfavorable rate to the Central Bank. The introduction of the Unified Exchange Rate helped reduce that incentive for capital flight.

The high inflation which Russia has been experiencing has encouraged hard-currency earners not to convert their assets in rubles, in order to maintain their value. the most important measures which the Russian government is undertaking to respond to the problem of capital flight are those directed at economic stabilization and combating inflation. It would be reasonable to expect that, as the Russian government makes progress in this effort, hard-currency assets held outside of Russia by enterprises and individuals will return and be reinvested in Russia. This was also the case—dramatically so—for many Latin American nations as their own structural reforms took hold.

Technical assistance to Russian government entities is generally provided through advisors, either short-term or resident, seminars, training courses and professional visits to the United States to observe counterpart agencies. No direct transfers of funds have been made to the Russian government nor have these funds been used to prop up Russian government corporations. It is in our interest, however, to support the Russian transition to a democratic government, and U.S. assistance is provided to government agencies to help them perform more efficiently, to assist in reorganizing their mandates and reexamining priorities, and to help them be more responsive to the public they serve.

Western governments rescheduled over $15 billion in payments due from Russia in 1993 on the debt of the former Soviet Union, for which Russia has assumed managerial responsibility. The U.S. share of $1.1 billion in the 1993 rescheduling included over $1 billion in payments due CCC for grain credits extended during 1991 as well as the $75 million first annual payment toward the former Soviet Union's WWII-era Lend Lease debt. For its part, Russia agreed to pay $2 billion to these creditors, the bulk of Russia's obligations due in 1993. The Russian government is current on its payments to the USG under this rescheduling.

Western government creditors hold approximately 50 percent of Russia's $82 billion debt. While Russia's economic potential is such that it should be able to repay this external debt over the medium term, a short-run bunching of payments is likely to require a further rescheduling in 1994, and perhaps 1995 as well. Approximately $10 billion falls due to Western governments in 1994, of which over $1.7 billion is due to the U.S. alone. Overall official debt to the USG is $3.7 billion, and Russian debt to U.S. commercial financial institutions is estimated to be $110 million.

I hope that this has been helpful. Please do not hesitate to contact me again on this or any other matter of interest to you.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

IN HONOR OF GEORGE NEVILLE SMITH

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. SMITH of Michigan. Mr. Speaker, I react to the President's budget proposal with renewed vigor, because of a special incident that happened last week. Our son Brad and his wife Diane gave birth to our fourth grandchild. George Neville Smith, born February 2, 1994, in Houston, TX, is going to have a tough time paying back all of this money we are borrowing.

Spending under the Clinton budget increases to $1.52 trillion in fiscal year 1995, an increase of $34 billion over fiscal year 1994. When George is 5 years old, spending will be $1.8 trillion, or $346 billion higher.

In the previous 5 years before George Neville Smith was born, the national debt increased $1.4 trillion—going from $3.2 trillion to $4.6 trillion. This budget drives us into debt even faster, reaching $6.3 trillion of debt by fiscal year 1999. This budget continues the trend that was started last year of deficit spending, billions more in debt, and a bigger, more intrusive Government.

My wife Bonnie and I join our other grandchildren, Nicholas, Emily, and Clair as well as George's other grandparents, Neville and Jennifer Monteith from Orillia, ON, in welcoming George to this world.

I would conclude by asking all parents and grandparents that are Members of Congress to work with me to minimize the extent to which we mortgage our children's future by making their generation pay for our undisciplined deficit spending.

THE CONGRESSIONAL HUMAN RIGHTS CAUCUS HAS NO RELATIONSHIP WITH THE CONGRESSIONAL HUMAN RIGHTS FOUNDATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LANTOS. Mr. Speaker, various stories have appeared in Roll Call and other sources in the press discussing links between legislative service organizations [LSO's]—which are official organizations established by a group of Members of the Congress and which are funded only by official funds—and outside, nonpublic, nonprofit foundations. Some of these press accounts have incorrectly linked the Congressional Human Rights Caucus with the Congressional Human Rights Foundation.

Mr. Speaker, I wish to set the record straight with my colleagues. There is absolutely no connection between the two organizations. Some years ago, I served on the board of the Congressional Human Rights Foundation along with our colleague, Congressman JOHN PORTER, the Republican cochairman of the Congressional Human Rights Caucus. Both of us resigned from the board some years ago. There has never been any link between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation.

In order to make clear the fact that there is no relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, Congressman JOHN PORTER, the Republican cochairman of the Caucus, and I sent a letter to Mr. David Phillips, the president of the Congressional Human Rights Foundation, as well as to Mr. Don Bonker and Mr. John Buchanan, the cochairmen of the foundation board. We have sent copies of our letter to Congressman CHARLIE ROSE, the chairman of the Committee on House Administration, and to Congressman WILLIAM THOMAS, the ranking Republican member of the Committee on House Administration. Copies of that letter were also sent to each member of the Committee on House Administration.

Mr. Speaker, for the information of our colleagues, I ask that the full text of this letter be placed in the RECORD.

HOUSE OF REPRESENTATIVES,
CONGRESSIONAL HUMAN RIGHTS CAUCUS,
Washington, DC, January 31, 1994.

Mr. DAVID PHILLIPS,
President, Congressional Human Rights Foundation, Washington, DC.

DEAR DAVID: We are writing with regard to a story that appeared in the Capitol Hill newspaper *Roll Call* which discusses, among other things, ties between Legislative Service Organizations (LSOs) and outside, nonprofit foundations. A copy of this story is enclosed for your information. The *Roll Call* report incorrectly links the Congressional Human Rights Caucus with the Congressional Human Rights Foundation as a foundation affiliated with a House LSO.

The first purpose of this letter is to set the record straight with regard to the relation-

ship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation—there is absolutely no connection between the two organizations. The two of us served on the board of the Congressional Human Rights Foundation at one point after it was organized in the late 1980s, but both of us resigned from the Foundation leadership some years ago. Even during the time when we were involved in the leadership of both organizations, there was no link between the two organizations. Activities were kept separate.

To our knowledge, there has never been any benefit to the Congressional Human Rights Caucus that has been provided by the Congressional Human Rights Foundation. On some occasions in the past, briefings sponsored by the Congressional Human Rights Caucus for Members of Congress and congressional staff have included human rights victims or human rights activists who have been assisted by the Congressional Human Rights Foundation and other non-profit organizations such as Amnesty International and Human Rights Watch. To our knowledge, bringing such individuals to the attention of the Congressional Human Rights Caucus has been the extent of cooperation between the two organizations. Furthermore, it is our understanding that human rights victims and activists who have been assisted by the Congressional Human Rights Foundation have appeared at briefings sponsored by a number of other LSOs and other organizations on Capitol Hill.

Furthermore, the Board of Directors of the Congressional Human Rights Foundation does not include any current Members of Congress. While the Congressional Human Rights Foundation has an honorary "Congressional Advisory Board," the two of us do not serve on that board. Some Members of Congress who serve on this advisory board may also be members of the Congressional Human Rights Caucus, but they do not represent the Caucus in that capacity and they do not serve because of their membership in the Caucus.

We expect that if there are any inquiries from *Roll Call* or other representatives of the press or from any other source regarding a relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, that officials and employees of the Foundation will make clear and explicit the fact that no relationship exists between the two organizations. For many years, it has been our policy as Co-Chairmen of the Congressional Human Rights Caucus to make certain that no confusion exists with regard to a relationship between these two organizations.

The second purpose of this letter is to ask that the Congressional Human Rights Foundation change its name to avoid confusion and misidentification with the Congressional Human Rights Caucus. The Caucus is an official organization of the Congress. According to the new regulations for LSOs adopted by the Committee on House Administration of the House of Representatives, every effort must be taken to prevent any organization or person from using the name of the LSO in connection with activities in which the LSO is not involved. For this reason it would be appropriate for the Congressional Human Rights Foundation should change its name to prevent poorly informed individuals from attributing a link between the two organizations, when clearly no such link exists.

Because of the misinformation that has been circulating about a relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, we are sending an identical letter to Don Bonker and John Buchanan, who serve as Co-Chairmen of the Congressional Human Rights Foundation, and to the Members of the Board of the Congressional Human Rights Foundation making this request that the name of the Foundation be changed.

Because of misinformation regarding the relationship between the Congressional Human Rights Caucus and the Congressional Human Rights Foundation, we are also sending copies of these letters to Congressman Charlie Rose, Chairman, and to Congressman William M. Thomas, Ranking Republican Member of the Committee on House Administration of the House of Representatives.

Sincerely,

TOM LANTOS,
Co-Chairman.
JOHN EDWARD PORTER,
Co-Chairman.

RURAL COMMUNITY WASTEWATER TREATMENT AFFORDABILITY ACT OF 1994

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. CHAPMAN. Mr. Speaker, today I am pleased to be introducing the Rural Community Wastewater Treatment Affordability Act of 1994. This legislation, which was drafted with the assistance of the National Rural Water Association and the Rural Community Assistance Program, is designed to ensure that rural and disadvantaged communities have greater access to the Clean Water Act's State Revolving Fund [SRF] Program.

EPA has estimated that 75 percent of the communities in violation of the Clean Water Act's sewage treatment requirements are rural and that the estimated cost of addressing these sewage treatment needs exceeds $13 billion. While the purpose of the SRF Program is to assist localities in their efforts to modernize existing treatment works and construct new ones through a low-interest loan program, it has fallen far short of this goal in rural communities. One of the largest obstacles for rural systems is that they can rarely finance 100 percent loans, even at low interest rates, because they have limited revenue generating capabilities and cannot achieve economies of scale.

It has become clear to me and many of my colleagues who represent rural and disadvantaged communities that the Federal Government must take a more active role in assisting these communities with their wastewater treatment infrastructure needs.

Mr. Speaker, my bill will make SRF loans more affordable to small systems by allowing negative interest loan financing, extending the loan repayment period from 20 to 40 years and requiring that 1 to 2 percent of each State's SRF allocation be used to make grants to communities for planning and predevelopment costs. In addition, the bill allows nonprofit corporations to be eligible for SRF funding, as they currently are under the Rural Development Administration's water and sewer program, and authorizes $15 million for rural water organizations technical assistance programs.

As reauthorization of the Clean Water Act has emerged as a priority for Congress this year, I look forward to working closely with my colleagues on the Public Works Committee to ensure that rural and disadvantaged communities are not left behind.

TRIBUTE TO IRMI BLUM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of my dear friend, Irmi Blum of San Bernardino, CA. Irmi was recently honored by the Arrowhead Chapter of Hadassah for her commitment and countless hours of community service on behalf of so many people in southern California.

The story of Irmi and her late husband, Hugo, is among the most touching and inspiring I know. Escaping Nazi Germany and fleeing to London in the early 1940's, together they came to California in the late 1940's. They opened a jewelry store in San Bernardino in 1948 which they ran successfully until their retirement. To say the least, their lives are a testimony to faith and hope. Over the years they never wavered in the face of adversity and together they embraced the American Dream.

Over the years, Irmi has been involved in a myriad of community activities and has been outspoken in her concerns over community and national matters. Though working full time with Hugo, Irmi made time to contribute her talents and energy to a number of civic organizations. She has served on numerous boards including Hadassah, Congregation Emanu El Sisterhood, the San Bernardino Community Concert Association, and was the first woman elected to serve as president of the California Jewelers Association. In addition, she was instrumental in establishing the San Bernardino Chapter of the City of Hope and the San Bernardino Herzilya Sister City Committee, serving each as its first president. She has also been a member of the San Bernardino Downtown Association and the San Bernardino Redevelopment Agency.

Mr. Speaker, I ask that you join me, our colleagues, Irmi's daughter, Sonia, and our many friends in San Bernardino in wishing Irmi our congratulations for this deserved recognition. In her many years of devoted service, Irmi Blum has touched the lives of many people in our community and it is only fitting that the House recognize her today.

GEORGE ALEXIOU RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a New Yorker who has given so much to our great city, the Borough of Queens, and the community of Astoria.

On February 12, the Greek-American Home-Owners Association of Astoria, NY, is recognizing George Alexiou for his vigilant dedication to the welfare and advancement of this organization and the improvement of the greater Astoria community.

George was a past president of the Greek-American Home-Owners. During his highly successful tenure, the organization significantly expanded the services which it provides to the Astoria community. Countless residents have Mr. Alexiou to thank for the work which he has done on their behalf.

George also exemplifies the American dream. He came to this country from Greece and successfully entered into business. He is a devoted husband of Elpida, and a doting father to Melina. Showing his appreciation for his adopted country and the true American spirit, George has used his good fortune to help others in his community.

Because of his tremendous achievements on behalf of others, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Mr. Alexiou on this auspicious occasion.

TRIBUTE TO COL. WILLIAM A. FORKHAMER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. WALSH. Mr. Speaker, I rise today to honor Col. William A. Forkhamer who is retiring after 40 years with the 174th fighter wing of the New York Air National Guard. Colonel Forkhamer was most recently the director of logistics for the 174th, known as the "Boys from Syracuse."

Colonel Forkhamer has received numerous awards and citations. His advancement over the years reflects the responsibility he has taken on—and the confidence that has been placed in him by his superiors.

Colonel Forkhamer received a direct commission in the Air National Guard as a 2d Lieutenant in November 1963. He was recalled to active duty for the *Pueblo* crisis in May 1968 as an aerospace munitions officer. While assigned to the 140th tactical fighter wing at Cannon AFB, NM, he was assigned as maintenance control officer. Upon release from active duty, he was assigned as organizational maintenance officer until September 1975, at which time he was assigned as the group logistic plans officer until his promotion to commander of the 174th consolidated aircraft maintenance squadron in October 1976. When the 174th tactical group was converted to the 174th tactical fighter wing on July 1, 1979, Colonel Forkhamer was appointed deputy commander for maintenance and held this position until being appointed director of logistics.

In 1982, under his leadership, the squadron received the USAF Maintenance Effectiveness Award, symbolic of the best maintenance squadron in the USAF worldwide.

Colonel Forkhamer has served his country well. I salute him and wish him all the best in a retirement he richly deserves.

BLACK HISTORY TELECONFERENCE TRIBUTE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. CLYBURN. Mr. Speaker, for the past 7 years during the month of February, the South Carolina Educational Network has held a teleconference to showcase the courage, accomplishments, and progress of African-Americans who have contributed to the well being of this Nation and the world. This year's Black History Teleconference titled, "The Struggle Continues: Empowering Afro-American Organizations: Present and Future" features eight high school students from South Carolina who interview eight nationally prominent African-Americans. Under the guidance of its creator, Dr. Marianna Davis of Keenan High School in Columbia, the teleconference has proven to be of tremendous benefit to the students, panelists, and viewers.

It is in the spirit of Dr. Davis' zeal and focus on a brighter future for our youth that I acknowledge this year's high school participants: Allison S. Feaster of Chester High School; Mary Emma Fulwood of Dillon High School; Sean Gallman of Dutch Fork High School in Irmo; Victor Gardner of Blue Ridge High School in Greer; Caren C. Kelly of Westside High in Anderson; Macella Scott of Kingstree Senior High; Terrance Smalls of Holly Hill-Roberts High School; and Scipia Williams of James Island High in Charleston. They, and others like them, are our future. For it will be through their achievements that others will see hope and a brighter tomorrow.

Mr. Speaker, I commend Mr. Henry Cauthen, president of the South Carolina Educational Television Network, SCETV staff, Dr. Davis, the students, and panelists of "The Struggle Continues," for their dedication to quality education and broadcasting.

THE WATERWAYS OBSTRUCTION REMOVAL ACT OF 1994

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill that responds to a critical problem that exists in Texas ports and in waterways throughout this Nation.

Emergency closure of the Port of Houston to commercial traffic because of obstructions by sunken or grounded vessels in the Houston Ship Channel has resulted in over $200 million in losses during recent years. It is time to take action to keep our Nation's ports and waterways open to trade and prevent even greater financial losses from occurring in the future.

Section 2 of my bill addresses this problem by requiring immediate action by the owner or operator of a sunken or grounded vessel to remove or destroy a vessel that is obstructing a navigable waterway. Within 24 hours after a port or other navigable waterway is closed because of a sunken or grounded vessel by order of the Secretary of Transportation, the owner of the vessel must begin removal of the vessel or, if appropriate, secure the vessel to allow commercial traffic to resume. The owner or operator of the vessel must consult with the Secretary of the Army and gain the Secretary's approval before the owner or operator begins removal of the vessel or secures the vessel. Before approving a plan of removal, the Secretary must determine that the owner or operator is using the most expeditious method available under the circumstances to remove the vessel.

Under this section, if the owner or operator fails to begin removal of the sunken or grounded vessel, or to secure the vessel pending removal, within 24 hours of the closure of the port or other navigable waterway, the Secretary of the Army may impose a civil penalty of up to $25,000 per day for each day during which the owner or operator fails to begin removal of the vessel. In addition, if the owner or operator fails to begin removal of or to secure the vessel within 24 hours, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of section 20 of the Act of March 3, 1899, 33 U.S.C. 415. Subsection (b) of this section amends section 20 of the Act of March 3, 1899, to allow the Secretary to recover from the owner or operator of the vessel the actual costs, including administrative costs, of any removal action taken under this section.

Compliance with the requirement to begin removal of the vessel within 24 hours will vary under the circumstances of each case. In some cases, it will be reasonable for the Secretary of the Army to determine that actual physical removal of the vessel must begin within 24 hours of the closing of the port. In other cases, it may be impossible to actually begin removal of a vessel in 24 hours because a specialized piece of equipment is not available. The Secretary of the Army must determine whether the owner or operator has satisfied the requirement to begin removal, based on the facts of each particular situation. The costs of a particular method of removal are not a factor in deciding whether or not an owner or operator has satisfied the requirement to begin removal. What must be determined by the Secretary under this bill is whether or not the owner or operator is doing everything feasible to remove the vessel, using the method that will allow commercial traffic to resume as quickly as possible. In all

cases, the vessel must be secured pending removal of the vessel if securing the vessel allows commercial traffic to resume while removal actions continue to take place.

Mr. Speaker, I look forward to early action on this important piece of legislation, and I want to thank my distinguished colleague from Texas, GREG LAUGHLIN, for joining with me in this effort.

CONGRESSMAN KILDEE HONORS DR. JEROME AND SHERRY KASLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Dr. Jerome Kasle, and his wife Sherry, for their continual efforts to improve the education of Jewish children in my hometown of Flint, MI.

Mr. Speaker, I have known the Kasle family for many, many years. They have been true community activists and have worked to improve the quality of life for the people in the Flint area. On December 12, 1993, the Chabad House of Flint honored Dr. Jerry and Sherry Kasle for their efforts to enhance and expand Jewish education in the Flint Jewish Community. I also want to congratulate Jerry on his 50th birthday, and their 25th wedding anniversary. Mazel Tov to the both of you.

Mr. Speaker, a few years ago, Rabbi Yisroel Weingarten, a Lubavitch Rabbi, came to the Flint community and established the Chabad House. Rabbi Weingarten and his wife have greatly enriched the lives of many people in the Flint Jewish Community. Dr. and Mrs. Kasle have been dedicated supporters of Rabbi Weingarten, the Chabad House and all of their programs. And because of their efforts, the Chabad House has blossomed. Together, they began a unique partnership to establish the Chabad House Flint Torah Academy. This program, already in its third year, allows Jewish children to attend school in the morning, and study Jewish culture, art, music, dance, history, language, and writing, at the Flint Torah Academy each afternoon.

Dr. and Mrs. Kasle recognize the importance of education and maintaining the continuity of Judaism in one's life. The Kasles believe that in order for Judaism to prosper, Jewish education and culture must be taught to the children. It is their commitment to these Jewish principles that has enabled the Flint Torah Academy to flourish.

Even before the arrival of Chabad House, the Kasles have been long time supporters of the Flint Jewish Community and the State of Israel. The Kasles were one of the first anchor families in the resettlement of Russian Jews in Flint. Dr. Kasle also sees many Russian Jews on a pro bono basis at his eye clinic. Jerry and Sherry have also been loving parents to their six children.

Mr. Speaker, it is with much joy and respect, that I pay tribute to these two exceptional people. They have certainly made a difference in many lives, both in Flint and in Israel, and we are all deeply grateful to them.

TRIBUTE TO STAFF OF EMERGENCY MANAGEMENT INSTITUTE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BURTON of Indiana. Mr. Speaker, I recently received a letter from a constituent of mine who had attended a training program at the Emergency Management Institute in Emmitsburg, MD. Sam Williams, director of the Johnson County, IN, Office of Emergency Management, had high praise for the Institute's staff and programs. He was so impressed that he took the time to ask his Congressman and Senators to commend the Institute for the fine work they do.

The Emergency Management Institute is the training arm of the Federal Emergency Management Agency. With a staff of 30 people, the Institute trains local emergency management officials from around the country to prepare for spills of hazardous materials, earthquakes, tornadoes, floods, and other natural disasters. Those local officials in turn return to their home States to train their colleagues.

This training is critically important. By enhancing the ability of local governments to prepare themselves for the unthinkable, the Emergency Management Institute has, I am sure, quietly saved many lives. I would like to commend Joseph Bills, the Institute's program coordinator, and the Institute's entire staff for their fine work.

I submit Mr. Williams' letter for the RECORD.

JOHNSON COUNTY OFFICE
OF EMERGENCY MANAGEMENT,
Franklin, IN.

Hon. DAN BURTON,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN BURTON. I recently had the opportunity to attend the Mass Fatality Incident Course held at the Emergency Management Institute in Emmitsburg, Maryland.

The program coordinator, Mr. Joseph K. Bills, should be commended for his tireless energy and the quality of materials introduced.

While we do not like to think of incidents of this nature, through training of this type, we can feel confident we will be able to handle any situation should the need arise. We can also minimize the suffering of those who have a loss.

Sincerely,

SAMUEL J. WILLIAMS,
Director.

JULIA PAPPAS RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the special recognition being bestowed upon Julia Pappas this Saturday, February 12, by the Greek-American Home-Owners Association of Astoria, NY.

As one of the leading groups which seek to strengthen the residential and business communities in Astoria, the Greek-American Home-Owners Association serves the entire community in so many ways.

Julia Pappas exemplifies the members of this organization. That's why I am pleased to say that her loyalty and dedication to the organization and her exemplary leadership as president of Community School Board 30 are being justly recognized. As the founder and past president of the Federation Parents Club, Queens, as a member of community board I, and as chairperson of the parks committee, Julia has constantly strived to promote community unity and the development of innovative and effective programs.

Because of her tremendous achievements on behalf of the entire community of Astoria, NY, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Ms. Pappas on this auspicious occasion.

A COMMUNITY PULLS TOGETHER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. MAZZOLI. Mr. Speaker, today, I would like to call attention to a very special group of people who live and work in my hometown of Louisville and Jefferson County, KY.

A couple of weeks ago the Louisville area, along with most of the eastern half of the Nation, fell under the grip of a furious winter storm. With 16 inches of snow on the ground in Louisville and with temperatures dipping to −22 degrees, venturing out into that nearly lethal weather was the last thing on most minds. Most, that is, except for Michelle Schmitt and her family.

Michelle Schmitt is a bright and enthusiastic 3-year-old who is like almost any other toddler her age with one major exception: she has had liver problems since birth and has been on a waiting list for 2 years for a liver transplant. And, that long-awaited call that a liver was available came, not when the weather was benign but when it was brutish, and not from a transplant center near Louisville but from one hundreds and hundreds of miles distant in Omaha, NE.

There appeared to be no way for Michelle and her family to make it out of their house much less to make the trek to Louisville's Standiford Field for the trip to Omaha. But, when the word of Michelle's plight went out on WHAS Radio 840, a concerned group of people got together with imagination, courage and selflessness and devised a plan to get Michelle to her plane and then to the hospital for the operation.

The accompanying Courier-Journal articles describe the ordeal—and that's really what it was—surrounding Michelle's evacuation. I will not recount the details, as awe-inspiring as they are, but I need to cite some of the people whose heroic efforts helped Michelle.

Joe and Teresa Amshoff came up with the idea of using a parking lot as a helipad and led a shovel brigade of 200 volunteers who

cleared the parking lot of Southeast Christian Church. The church's pastor and associate pastor, Rev. Bob Russell and Rev. Dave Stone, and Southeast Christian's congregation also pitched in with the effort to clear the parking lot so the helicopter could land. Hank Wagner and David Fleming of Jewish Hospital made the medical helicopter service, Skycare, available. Skycare's communications director, Kimberly Phelps, worked to get flight nurse, Rick Nickoson and paramedic, Joe Vetter scheduled for the flight. Volunteer pilots Jason Smith and Jeff Bowlan of Pattco, Inc. flew the mercy mission to Omaha. Many others worked hard to clear the runway at Louisville's Standiford Field so Michelle and her family could leave Louisville for Omaha.

I am immensely proud to represent such a dedicated and giving group of individuals. The work everyone put forth to give a little girl a chance for a full life was a labor of love and was evidence, once again, of the devotion and true charity of the people of Louisville and Jefferson County. The episode is a prime example of how noble and caring people are when called upon.

One last note—Michelle is doing well and our thoughts and prayers are with her for a successful and speedy recovery.

Mr. Speaker, I ask permission to include at this point the Courier Journal articles referred to in my statement:

[From the Courier Journal, Jan. 18, 1994]

FROZEN CITY WARMED TO A SICK LITTLE GIRL'S PLIGHT

(By Beverly Bartlett and Laurel Shackelford)

People from all over Kentucky came together yesterday in a breathtaking battle against time and nature for a Louisville girl, who just may win.

Since 3-year-old Michelle Schmitt was a year old, she has been on a waiting list for a liver transplant. Yesterday, at 9 a.m., as a record snowfall paralyzed Louisville, her grandmother got the call the whole family had been waiting for. By sundown, a liver would be waiting for her.

In Omaha, Neb.

But there was no way for Michelle to get to the airport. No way for pilots to get there. No way for planes to take off, with the airport closed. No way for emergency medical workers to get out of their driveways.

To have the best chance of success, hospital workers in Nebraska wanted Michelle in Omaha by 6 p.m.—7 p.m. at the latest. The race was on.

Michelle is one of 251 children waiting for a liver transplant. More than 100 U.S. hospitals do liver transplants, but only about 50 perform them for children. Not one is in Kentucky. Kosair Children's Hospital expects to start performing such surgeries this summer.

But that did Michelle no good yesterday. She was born with biliary atresia, the same condition her older sister, Ashley, had. Ashley received a liver transplant in 1991, at the age of 3. She is now reportedly doing well.

But Michelle was still in desperate need. She weighed just 22 pounds, an average weight for a 1-year-old.

(Michelle and Ashley's mother, Theresa, died in August 1992, after overwhelming reumonia progressed to Adult Respiratory Distress Syndrome. As a complication, doctors also suspected an uncommon vascular disorder called Wegener's granulomatosis.)

Friends had come to the Schmitt's aid, raising money all over the county—from donations, raffles and charity auctions. But yesterday the community came to the child's aid in other ways.

Jewish's air ambulance service, SKYCARE, agreed to fly Michelle to Standiford Field, after an employee heard the family's plea for help on a radio station.

She was supposed to be picked up there by a Lear jet, which would take her to Omaha, where a liver was being flown in from an undisclosed location.

David Fleming, a Jewish Hospital vice president, said SKYCARE's communications director, Kimberly Phelps, worked frantically to put together a medical team for the trip. Rick Nickoson, the flight nurse, drove a four-wheel-drive vehicle to pick up paramedic Joe Vetter.

Two volunteer pilots, Jason Smith and Jeff Bowman, of Pattco Inc., waited at Standiford Field.

But first Michelle had to get there—and for hour after agonizing hour, that looked iffy.

Members of Southeast Christian Church have been leading the fight for money to pay for her transplants, and yesterday the church came to the rescue again.

The brilliant idea to transform a church parking lot into a helicopter landing pad came from Teresa Amshoff who spent the day "stuck here in the house, listening to the story" about Michelle on WHAS.

She heard about the plan to *drive* her from Hikes Point to Clark County airport, "and I knew it would take them two hours to get to Clark County. As I was staring out the window it came to me: Bring the helicopter to Southeast Christian Church," right behind her house.

Amshoff called the station, and after some huddling, rescuers decided to go for it.

"They asked if I could get people to shovel. I said, 'No problem.' I ran door to door on Glen Meade Road screaming for help. I told everyone we needed them with their shovels. Everyone was tired from shoveling their driveways off, but no one turned me down."

Soon a team of six snow shovelers turned into a crowd of hundreds with a big will—and big shovels.

Her husband, Joe, went ahead and walked off a 100-foot area for a landing site, and everybody dug in.

"People just started pulling in," said Dave Stone, the church's associate preaching minister. "It looked like a four-wheel-drive convention."

While some arrived in four-wheel-drives, people who lived in the neighborhood flocked in on foot, carrying snow shovels.

The family pulled up in a four-wheel-drive vehicle. Michelle was carried to the helicopter on a stretcher. Her father, Ed, was shivering. Bob Russell, the church minister, asked if he was cold.

"No," he said. "I'm just really nervous."

Hospital officials in Nebraska weren't; they were confident that Michelle would reach Omaha by nightfall, the optimum time for her liver transplant.

[From the Courier Journal, Jan. 19, 1994]

GIRL, 3, "DOING REAL WELL" AFTER LIVER TRANSPLANT

(By Patrick Howington)

Hours after undergoing a liver transplant that was made possible by snow-shoveling volunteers, a 3-year-old Jefferson County girl was making an impressive recovery yesterday in an Omaha hospital.

Michelle Schmitt's condition was upgraded from critical to serious-but-stable yesterday afternoon. Doctors at the University of Nebraska Medical Center were "really happy and amazed at how she's bouncing back," said Edward Schmitt, Michelle's father.

"She's doing real well right now. They've already pulled the respirator from her and she's sitting up," Schmitt said. "She wants her bottle, she wants chocolate, she wants Coke * * *. It's amazing."

Michelle had been waiting two years for a donor liver, but when the call finally came Monday the timing couldn't have been worse. Louisville roads and airports were virtually shut down by record snow.

The flight to Omaha wouldn't have been possible if 200 neighbors and volunteers hadn't shoveled a clearing at Southeast Christian Church, where the Schmitts are members, so a helicopter could land and take Michelle to a waiting private jet. Without a quick departure, the donor liver in Omaha would no longer have been useable.

"I want to thank everybody from the bottom of my heart," Edward Schmitt said. "I feel like they saved her life."

Michelle arrived at the Nebraska hospital about 6:45 p.m. CST Monday, hospital spokeswoman Mary Zgoda aid. She was on the operating table by 9 p.m. The surgery ended at 4 a.m. yesterday.

Michelle and her family flew to Omaha on a corporate jet donated by Paco Aire of Jefferson County.

The jet had been lined up months ago by Sharon Stevens, a hairdresser who has been raising money for the Schmitts for two years. Stevens said a non-profit group she set up for that purpose, Hair Angels—its members initially were all hair-dressers—has raised about $50,000 for the family.

But Stevens said that is "a drop in the bucket" compared with the family's medical bills. She said care just for Michelle's older sister Ashley, who received a liver transplant in 1991, has totaled $700,000. Insurance covers 80 percent of medical bills, she said.

Money raised by Hair Angels has gone toward medication (Michelle's costs up to $1,000 a month), insurance premiums and flights to Omaha, where Ashley also received her transplant and follow-up care.

Now the group is trying to raise money to cover the Schmitts' housing in Omaha, where Michelle may be for up to three months.

Donations for Michelle's medical expenses can be sent to Hair Angels, 239 Chenoweth Lane, Louisville, KY 40207. Contributions are tax-deductible.

SOLIDARITY—SARAJEVO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. HOYER. Mr. Speaker, the eyes of the world will be focused on Lillehammer, Norway, from February 12–27, as that city hosts the 1994 Winter Olympic Games. Exactly 10 years ago today athletes gathered in Sarajevo for 12 days of competition as that city hosted the XIV Winter Olympic Games. Hundreds of folk dancers greeted the athletes in a profusion of color during the opening ceremonies in Kosevo Stadium. The sounds of "When the

Saints Come Marching In" and "The Yellow Rose of Texas" could be heard during the course of the festivities presided over by Juan Antonio Samaranch, president of the International Olympic Committee.

An estimated 8,000 Americans were among the 40,000 visitors who converged on Sarajevo for the games. Actor Kirk Douglas, singer John Denver, and Princess Ann of Britain could be spotted in the crowds. A fresh snowfall transformed the city into a winter wonderland. Vucko, the mascot wolf of the winter games could be seen just about everywhere. Guests crowded Sarajevo's shops, restaurants, and cafes to escape the cold and enjoy the warm hospitality.

A thousand troops were deployed in the hills around Sarajevo to keep competition tracks clear of snow. Flushed with excitement athletes looked forward to testing their skills on the slopes and on the ice. Skating star Scott Hamilton was there as was downhill skier Bill Johnson, giant slalom skier Debbie Armstrong, figure skater Rosalynn Summers, the brother and sister pair, Peter and Kitty Carruthers, along with the Mahre brothers, Phil and Steve. Soviet athletes paused to mourn the death of President Yuri Andropov as the crimson hammer and sickle Soviet flag was flown at half staff in the Olympic Village.

As the Olympic flame was extinguished during the closing ceremonies of the XIV Winter Olympic Games, IOC president Samaranch concluded, "Do videnja, Sarajevo"—"Until we meet again, Sarajevo."

Ten years later and after nearly 2 years of shelling, Sarajevo is almost destroyed by hate and power mongers. The city's stadium has been turned into a cemetery, the final resting place for some of the over 10,000 Sarajevans killed since the outbreak of fighting in and around the Bosnian capital.

The siege of Sarajevo continues unabated with some of the heaviest shelling having recently been recorded. Serb heavy weapons surround the city from the very hills where athletes tested their skills in Olympic competition. This once pristine alpine community, known for its distinctive multicultural society, has been reduced to rubble. There is no running water. There is no natural gas to provide heat against severe winter weather conditions. Medical supplies are scarce. Food supplies are dwindling. People are starving and children are being murdered as they attempt to play amidst a dying city.

Despite death and destruction, the people of Sarajevo have remained remarkably resilient. The Olympic creed says, in part, that "the essential thing is not to have conquered but to have fought well." The people of Sarajevo have displayed tremendous courage throughout their struggle for survival. Unfortunately, the West has yet to do so.

When the Olympic flame, a symbol of continuity, is ignited this Saturday in Lillehammer its glow will be dimmed by the harsh reality surrounding the strangulation of Sarajevo and the aggression and genocide waged against the people of Bosnia and Herzegovina.

Mr. Speaker, the people of Sarajevo are fighting for their very survival as well as the survival of their city. I urge my colleagues to join me in expressing solidarity with the people of Sarajevo and calling upon the international community to stop the strangulation of Sarajevo before there is no one left but the aggressors.

TRIBUTE TO ROBERT CHAIS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to Robert Chais, a constituent of mine and a founder of one of the foremost emergency medical services facilities in the Nation.

Mr. Chais founded the Bergen County Emergency Medical Services [EMS] Training Center in Paramus, NJ. This center has become nationally respected as one of the finest EMS training facilities in America.

Under Bob Chais' direction, the Bergen County EMS Center has trained thousands of New Jersey volunteer ambulance, rescue, and firefighting personnel. These volunteers have been responsible for saving countless thousands of people throughout New Jersey.

The standards set by Mr. Chais have influenced similar training centers across the country and thus resulted in the countless numbers of Americans surviving accidents and medical emergencies.

Mr. Chais served the center for more than 15 years, for he did not seek nor receive any compensation. In fact, Mr. Chais passed away while teaching a class on Wednesday evening, January 27, 1994, at the age of 54.

It is rare that one man performs so much work to have such a positive effect on the lives of so many. His death is a great loss to the State of New Jersey. It is in service to the citizens of New Jersey that Mr. Chais will be fondly remembered.

TRIBUTE TO DR. J. SCOTT RUTAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to learn that the American Group Psychotherapy Association will recognize Dr. J. Scott Rutan as a Distinguished Life Fellow on February 18.

Dr. Rutan has had an extraordinarily productive career, and he is widely known for his scholarship, his practice of group psychotherapy, and his teaching. He is a clinical associate professor of psychology in the Department of Psychiatry at Harvard Medical School, and director of the Center for the Group Psychotherapy at Massachusetts General Hospital. In every capacity that he has occupied, Scott Rutan has performed extraordinarily well, serving as a model of a responsible and caring professional.

It is entirely appropriate that the American Group Psychotherapy Association is recognizing Scott Rutan's career, and I am proud to join them in doing so.

GEORGE ALEXIOU RECOGNIZED FOR TREMENDOUS ACHIEVEMENTS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a New Yorker who has given so much to our great city, the borough of Queens, and the community of Astoria.

On February 12, the Greek-American Home-Owners Association of Astoria, NY, is recognizing George Alexiou for his vigilant dedication to the welfare and advancement of this organization and the improvement of the greater Astoria community.

George was a past president of the Greek-American Home-Owners. During his highly successful tenure, the organization significantly expanded the services which it provides to the Astoria community. Countless residents have Mr. Alexiou to thank for the work which he has done on their behalf.

George also exemplifies the American Dream. He came to this country from Greece and successfully entered into business. He is a devoted husband of Elpida, and a doting father to Melina. Showing his appreciation for his adopted country and the true American spirit, George has used his good fortune to help others in his community.

Because of his tremendous achievements on behalf of others, I hope my colleagues will join me and the Greek-American Home-Owners Association in honoring Mr. Alexiou on this auspicious occasion.

TRIBUTE TO PAUL ANDREWS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. MARKEY. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to Paul Andrews, school superintendent of Woburn, MA, who will retire at the end of this year capping 26 years of public service.

Paul Andrews is a results-oriented administrator who has served his community tirelessly for over a quarter of a century. Mr. Andrews is a leading educator who brings pragmatic insights and solutions to meet public policy objectives. He developed a fully coordinated central office staff into one of the finest school managerial teams in the Commonwealth. He also raised almost $500,000 for students of Woburn Public Schools through the writing and development of Federal and State grants.

Mr. Andrews has been on the forefront writing and preparing publications for State distribution. His writings focus on the difficult topic of drug abuse. In his progressive role, Paul has suggested approaches in drug edu-

cation and outlined drug policies for school administrators. Paul has also been involved with the State department of education as a project director for the office of health and human services as well as the bureau of student Services. Mr. Andrews served on a wide variety of State boards such as the Massachusetts Comprehensive Health Planning Agency, and the Massachusetts Committee on Children and Youth.

Like most dedicated public servants, Mr. Andrews is highly active in his local community. He is vice chairman of the Mystic Valley Mental Health Board and the chairman of the Industrial Development Commission. He has been a Red Cross disaster chairman, as well as an executive secretary of the Woburn Fire/Police Building Commission. The Woburn Jaycees recognized his civic service, honoring him as a "Man of the Year."

Mr. Speaker, I ask that you join me, our colleagues, Paul's wife Janet, their three children, Paul, Jr., Kevin, and Marcia, and their many friends in wishing Paul the very best in his retirement. In his many years of committed service, Paul Andrews has touched the lives of many people in our community and it is only fitting that the House of Representatives recognize him today.

PMA CHOOSES NEWSPAPER ADS OVER R&D

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. STARK. Mr. Speaker, practically every week the Pharmaceutical Manufacturers Association [PMA] reminds us of its existence through absurd ads on the federal page of The Washington Post. In 1993, the PMA ran 50 advertisements in the Post—each ad telling the reader that we don't need health care reform because the PMA has it under control.

The problem, Mr. Speaker, is that the PMA's version of health care reform is an advertising blitz! Lots of gloss, lots of pretty charts—and billions of wasted health care dollars!

A recent PMA newspaper ad campaign tells us that pharmaceutical research and development has slowed to its lowest point in 22 years. The PMA has never been afraid to predict gloom and doom for its member companies—companies that represent the most profitable industry in America. The PMA is constantly using scare tactics on Americans, many of whom are dependent on prescription drugs for their health.

What the ad doesn't tell you, Mr. Speaker, is that in 1993, the PMA wasted $1.5 million on ads in just five newspapers—The Washington Post, The New York Times, The Wall Street Journal, USA Today, and the LA Times. According to the PMA's way of calculating the real investment value of R&D, this $1.5 million in cash outlays has a real investment value of $16 million in R&D.

The PMA complains that we face lower levels of R&D spending, but somehow they always find a way to spend billions in advertising. Not drug research—ads.

Americans don't need more PMA ads, Mr. Speaker. They need affordable prescription drugs. The PMA should stop wasting its money on ads and start to become part of the solution to the health care crisis.

A SALUTE TO GEN. HAL WATSON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. MOAKLEY. Mr. Speaker, last month I was saddened to learn of the passing of Gen. Hal Watson, a decorated World War II veteran, an American pioneer in air technical intelligence, and founder of the Woodrow Wilson Foundation. During World War II, General Watson was the first American to fly Germany's revolutionary jet engine fighter, ME-262. His contributions to the war effort were significant and earned him the Legion of Merit, the Distinguished Flying Cross and other international awards.

General Watson's wartime heroism was replaced by his generous peacetime philanthropy. He founded the Woodrow Wilson Foundation to aid in the rebuilding of the Woodrow Wilson Rehabilitation Center for the rehabilitation of the handicapped. The student activities building there is named in his honor.

They say that pilots never die; they soar on to greater heights. This accomplished soldier, respected public servant, and good-humored gentleman will be sorely missed by his lovely wife, Ruth Clark, his family, and those of us who hold him in such great respect.

HEALTH REFORM MUST MEET THE NEEDS OF UNDERSERVED COMMUNITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. CONYERS. Mr. Speaker, as Congress begins the deliberative process on health care reform, I cannot express strongly enough the critical importance for consensus legislation to include measures that will meet the needs of America's medically underserved communities and populations. If Congress is sincerely interested in making health reform work for all Americans, it must invest in community-based health services for at-risk communities. If the primary and preventive health care needs of these populations are not met in health reform, our goal of cost containment will not be realized: these are exactly the people who end up on emergency room doorsteps in my home of Detroit and across the country under our current health system.

Underserved communities desperately need health reform to deliver three things to them: First, the presence of a medical home that offers high-quality care regardless of their health or social status or their ability to pay for services; second, adequate numbers of highly trained, culturally competent health professionals to staff these facilities; and third, the assurance that their medical home will not be driven out of business due to excessive financial risk or inadequate reimbursement, simply because they care for those who are sickest and hardest to serve.

As one of the principal authors of H.R. 1200, the American Health Security Act, I worked hard to see that access for the medically underserved was given special attention. H.R. 1200 doubles available funding for community, migrant and homeless health centers, and affords these essential providers certain payment and contracting safeguards to ensure their financial viability. Further, it calls for a significant expansion of the National Health Service Corps to ensure that our medical education establishment is producing the kinds of doctors our health system desperately needs—primary care physicians—and that they are trained and practice in the areas that need them most.

I am heartened that health reform proposals from all sides of the political spectrum recognize that access must be expanded in underserved communities. Many of the proposals introduced in Congress, including the President's, make great strides toward reforming and improving the health care delivery system in areas that need it the most. For instance, the Chafee-Thomas bill includes over $5 billion in funding for community health centers; the Michel bill includes $1.5 billion for health centers, thanks in large part to the strong support of our colleague NANCY JOHNSON.

But none go nearly far enough in meeting the needs of the communities many of us in the Black and Hispanic Caucuses, and others, represent. As health reform legislation is developed we must work to ensure that the needs of these communities are met—not just because it is the right thing to do, but because it is what we must do to achieve cost containment and health reform that works for all Americans. It will be among the best investments health reform makes.

Mr. Speaker, I ask to submit for the RECORD a story that ran in the February 2 edition of the Washington Post, which details the holes that remain in America's health safety net. As my colleagues will note, the story describes the great work that community health centers across the country are doing to care for those Americans who have fallen through the cracks of our health system. I urge my colleagues to join me and other Members of the Black and Hispanic Caucuses in working for the expansion and preservation of this exemplary program in health reform.

Thank you.

[From the Washington Post, Feb. 2, 1994]

EXPANDED MEDICAL SAFETY NET STILL HAS HOLES

(By Dan Morgan)

It's only a short cab ride from Rockville's Community Clinic to some of the best that American medicine has to offer: the state-of-the-art research labs of the National Institutes of Health in Bethesda, the distinguished specialists of wealthy Montgomery County, the teaching hospitals in the District of Columbia.

But when one of the Rockville health facility's poor, uninsured patients needs more than the primary care provided by its staff of low-paid nurses and moonlighting doctors, the distance can be vast. So vast that Diane Cella Brusick, the clinic's associate executive director, sometimes can't find a doctor to send such patients to.

"God forbid they need an operation," she said. "I get on the phone and beg the local radiology groups. I beg the surgeons. It's a lot of networking." A stress test that could identify suspected coronary problems costs at least $300. Occupational therapy is also expensive, and it strains the clinic's limited funds.

Such daily experiences of the nonprofit Community Clinic Inc. demonstrate the big holes that still exist in America's medical safety net after a decade of important but incremental improvements in Medicaid, the federal-state health care program for the poor and elderly.

Between 1984 and 1990, Rep. Henry A. Waxman (D–Calif.) and allies from both parties in the House and Senate pushed through provisions that expanded benefits and increased the number of people eligible for Medicaid. Millions more working poor people, mainly pregnant mothers and young children, began receiving its benefits.

For this and other reasons explored in this series of articles, Medicaid costs have exploded since 1989. Despite the growing numbers of Medicaid patients, the Medicaid system was left basically unchanged. Until recently, for example, few states attempted to steer patients away from costly emergency rooms by raising Medicaid fees to physicians, assigning patients to clinics, or requiring patients to make copayments.

One result is that Medicaid expenditures for children on welfare rose 17 percent a year between 1988 and 1991.

But despite the growth in both cost and numbers in the program, half of all those who are poor, as defined by the federal government, still are not covered by Medicaid. About two-thirds of those Americans who are uninsured—as many as 24 million people—are either poor or near-poor.

"I think Henry Waxman did an enormous service for poor people, but the fact that too many still fall between the cracks shows that the Medicaid system is not working," says Rep. Ron Wyden (D–Ore.), a member of Waxman's Energy and Commerce subcommittee on health and outspoken advocate of a recent Medicaid reform in Oregon that some have described as health care rationing.

President Clinton's health reform plan would guarantee a standard package of benefits to each American regardless of his or her health record or ability to pay and would do away with large parts of Medicaid. The purpose is not only to control the costs of the huge government entitlement program and relieve pressure on the federal budget deficit but also to eliminate the stark inequities in the U.S. health care system.

These inequities are all too obvious at Community Clinic. The clientele at the clinic's facilities in a remodeled Victorian house in Rockville, and at branches in Silver Spring, Germantown and Hyattsville, include the jobless, the homeless, AIDS sufferers, the chronically mentally ill, immigrants and refugees.

"FORGET FATHERS"

More than half of the 7,000 mostly poor patients who use Community Clinic's facilities do not qualify or have not applied for Medicaid. The clinic will provide care for a family of four with an income of $26,800 a year or less, well above the Medicaid cutoff. Medicaid generally does not accept able-bodied adults, except impoverished pregnant women. "Forget fathers," said one clinic worker.

Community Clinic has doctors and nurses to provide the uninsured with primary care. But difficulties arise when uninsured patients have more complicated problems requiring the services of a specialist—a problem that comes up "20 times a week," Brusick said.

In those cases, she said, the clinic relies on a network of physicians, organized by the Catholic Archdiocese of Washington, who provide charity care for the homeless, as well as occasional help from the specialists at NIH, Howard University and Johns Hopkins Hospital.

Clinic workers boast about last summer's coup: getting a local brain surgeon to administer a magnetic resonance imaging scan to a woman with a suspected brain tumor. He charged the clinic for the cost of the dye instead of asking a fee that can run as high as $1,700. The diagnosis, an inoperable brain tumor, ruled out the need for further tests.

But the system doesn't always function smoothly. Carl E. Snyder, an unemployed drywall installer, was referred by the Rockville clinic to a dermatologist last year after a doctor diagnosed psoriatic arthritis accompanied by joint and skin diseases. Snyder, a 53-year-old Silver Spring resident with a Hemingwayesque beard streaked with red and gray, said that he had worked since he was 14 but couldn't in 1993. Last spring and summer he had so little strength in his wrists and thumbs that his wife had to unscrew the tops on the medicine bottles he keeps in his second-floor bedroom.

A private dermatologist declined to take him on as an uninsured patient, Snyder said, asking him: "What am I supposed to do?"

And although "markedly disabled," according to a report on his case written by a clinic physician, Snyder couldn't qualify for Medicaid, which is available to adult males only if they are permanently disabled. The Montgomery County Department of Social Services advised him last May 1 that his disease was not sufficiently disabling to allow him to get the benefits.

Medicare, the other big government health care program, also provides disability benefits for persons who have paid Social Security taxes. But the Social Security Administration turned Snyder down for these benefits on July 2. Regional Administrator Larry G. Massanari, citing an earlier medical report, wrote: "Although you may experience discomfort, the evidence shows you are still able to move about and to use your arms, hands, and legs in a satisfactory manner * * * you can use your arms and hands for basic grasping and handling. Although you say you have a skin condition, medical evidence shows that this is not disabling."

For much of the spring and summer, Snyder made do with painkilling medicines and applications of olive oil on the red blotches on his arms. Finally, a clinic physician wrote him a prescription for methotrexate, a drug that requires regular blood testing to monitor possible liver damage. Snyder bought the pills with his own money, he said, but in October he stopped having the blood tests. He said he couldn't pay the bill for the tests himself, and didn't want to run up a larger bill with Community Clinic, which had paid for some of the tests. "I don't want the humiliation of waiting to be told they [the laboratory] won't do it because I owe money," he said.

In late November, the clinic staff was urging him to apply for a new state program, the Disability Assistance Loan Program, which provides medical help for those who are temporarily incapacitated. Finally last month, Snyder received word that he had qualified as disabled under the federal Supplemental Security Income program, making him eligible for Medicaid.

"I'm still not sure the system's going to work," he said yesterday.

Shifts in the Maryland Medicaid program last year may have increased pressures on facilities that treat the uninsured, such as Community Clinic.

In 1992 and 1993, about 220,000 Maryland Medicaid patients were enrolled in a new managed care system called Maryland Access to Care. MAC assigns these Medicaid clients to a primary care physician, health maintenance organization or clinic, among them Community Clinic. The goal is to save money by having routine illnesses treated by a doctor or clinic, rather than in a hospital emergency room.

But to increase Medicaid payments enough to attract primary care physicians into the program, the state made economies elsewhere. Early this year, about 27,000 uninsured people, mostly adults, were cut from a state-financed medical assistance program and thrown on the mercy of charity clinics and hospital emergency rooms.

The jury is still out on whether MAC will save money for the state.

A DEGREE OF SECURITY

However imperfect Medicaid may be for those who qualify, it provides a degree of security the uninsured can only dream of.

And while the uninsured may increase the budgetary problems of an institution like Community Clinic, its difficulties have been somewhat assuaged since 1989, when Medicaid began increasing federal payments to such "federally qualified" clinics.

According to Community Clinic director J. Mark Langlais, Medicaid will cover about a third of its 1993–94 budget of $1.6 million, supplementing funds from Maryland, Montgomery County, the communities of Rockville and Gaithersburg, the federal McKinney program for the homeless, and fees paid by patients.

Last year, Langlais said, Medicaid funds provided a financial cushion that enabled his facilities to see an additional 1,000 children in families with no health insurance. (Medicaid currently covers few non-disabled children over age 10.)

The waiting room of the clinic in Silver Spring conveniently adjoins the local office of the Maryland Department of Social Services, where families apply for Medicaid. One day last summer a woman who had just returned to the Washington area from Florida applied for Medicaid at the Social Services window, then crossed the waiting room to seek treatment for her 16-month-old son. A "touch of scarlet fever" was diagnosed in the child.

The women's husband, an aircraft mechanic who had been laid off from his job in Florida, was still looking for work in this area and she was making $200 a week as a receptionist. "We usually do for ourselves, but with two kids you need medical assistance," she said. Medicaid, she added, would cover

care for the children until her husband found stable employment and private insurance.

Under the Clinton plan, the part of the Medicaid program that pays the routine doctor, hospital and pharmacy bills of the poor would be eliminated, although Medicaid's long-term care of the elderly and disabled would continue with few changes.

By "mainstreaming" Medicaid recipients into the same kind of private health plans and health maintenance organizations used by the rest of the population, the proposal would largely eliminate distinctions between insured and uninsured, Medicaid and non-Medicaid patients.

In the Clinton plan, premiums of the poor and the near-poor for the basic package of benefits would be subsidized, and health plans would have to accept their share of these patients. Children in low-income families would be entitled to extra medical and social services beyond those in the standard package.

In theory, this would do away with the stigma that Medicaid coverage still has for many as a "poor person's program" that many physicians have shied from. The fees that hospitals and physicians would get for treating the poor would be the same as those for treating others, which is not the case today. Although the rates that state Medicaid programs pay physicians for treating Medicaid patients are supposed to be sufficient to ensure that covered services are available, it hasn't always worked that way.

The late Rep. Ted Weiss (D-N.Y.) told a House subcommittee in 1990 that 85 percent of physicians in his state did not participate in Medicaid. Health care advocates cite red tape and low reimbursement rates as the main reasons why doctors have been unwilling to see patients who hold Medicaid cards. A recent survey of Medicaid enrollees by the Kaiser Family Foundation found that one in five Medicaid enrollees had been turned away by a doctor.

PATIENTS' TRANSITION

Many of Community Clinic's patients would fit easily into a new health care system in which everyone would be enrolled in a health plan on more or less equal terms, Langlais said.

But for others, he cautioned, the transition might not be so easy. "The question is whether the Clinton plan will really take care of a lot of the people we see. Some are socially unacceptable in a doctor's office. Some are manipulative. Some have been burned by the system. A doctor's office doesn't necessarily take into account social, cultural and language needs."

Patients served by the clinic in Rockville include some who are chronically mentally ill and difficult to work with—such as the woman who hurled epithets at the office staff one recent day while she was waiting to be seen by a clinic doctor.

The clinic doesn't ask to see immigration papers of those who show up, but the staff is aware that many patients are illegal immigrants—a group that would not be eligible for the national benefits package in the Clinton plan.

Langlais said he also worries that health maintenance organizations and health plans will still find ways to discourage utilization by low-income families with many medical and social problems.

Several Community Clinic patients covered by medicaid switched earlier this year to an HMO that handles Medicaid patients. Now they want to switch back to Community Clinic, according to administrator Michael J. Mercurio of the Silver Spring facility. Mercurio recalled a situation in which the HMO wasn't able to set up an appointment for a child with fever for two days. The mother brought the child to Community Clinic. But the HMO refused to authorize treatment. So the mother paid Community Clinic a small out-of-pocket fee for seeing the child.

The future of clinics such as Langlais's under the new system is uncertain. "We have the expertise to handle this population, making sure there's follow-up, that people get to their doctor, that we get back the results of tests. But will the health alliances incorporate us in the mix? I don't know."

There is also the larger question of whether health reform automatically will translate into better care for the poor. In theory it should.

But the General Accounting Office reported in 1991 that there was "little evidence that Medicaid coverage alone can improve the rates of early prenatal care utilization." It cited a study in Tennessee that found "no concomitant improvements in the use of early prenatal care, birth weight, or neonatal outcomes" following the expansion of Medicaid coverage in the 1980s.

According to Lois Moore, president and chief executive officer of the Harris County hospital district in Houston, 30 percent of the women whose babies are delivered at the hospitals she runs have had no prenatal care—even though most have Medicaid or would be eligible for it.

Daniel H. Hawkins Jr., research director at the National Association of Community Health Centers, said that outreach services and health facilities where the poor need them did not keep pace with the expansion of Medicaid eligibility in the 1980s.

"We brought them [new Medicaid enrollees] into the system without changing that system. We got them past the financial barrier; now we've got to tackle the more complicated problem: How can we provide care without the financing eating us for lunch?"

INTRODUCTION OF THE MIDDLE EAST PEACE AND DEVELOPMENT ACT OF 1994

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. PENNY. Mr. Speaker, I rise today to introduce legislation which would require the President of the United States to direct the establishment of a Middle East Development Initiative [MEDI] to provide development assistance to the people of the Middle East for the purpose of promoting the peace process in that region.

This legislation authorizes $260 million per year for the next 3 years for the MEDI. This bill includes a pay-as-you-go provision to pay for the MEDI—a provision reducing United States foreign assistance by 5 percent, from the fiscal year 1994 levels, for the countries of Israel and Egypt.

Under this initiative, development assistance will be available to those countries which are engaged in bilateral or multilateral discussions or negotiations which promote the peace process in the Middle East region. Development assistance will also be made available to organizations or communities in the West Bank and Gaza which are engaged in the peace process.

In fiscal year 1994, the United States is providing a total of $36.5 million in development assistance to the Middle East region. However, the United States provides a total of $3.1 billion in military assistance to the region, plus an additional $2.03 billion in economic assistance—much of which is used for military spending.

Clearly, the United States will need to increase its commitment to economic and political development in the Middle East as the peace process continues in the next several months. Every country in the Middle East, including Israel and Egypt, will be eligible for funds from this initiative so long as they are engaged in the peace process. This legislation simply transfers foreign assistance funds from two Middle East accounts to another Middle East account in order to provide necessary development assistance funds to people in the region.

I ask Members to cosponsor the Middle East Peace and Development Act of 1994.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

AFFIDAVIT—STATE OF NEW YORK, COUNTY OF RICHMOND

Hector Rodriguez, being duly sworn deposes and says:

1. My true and correct name is Hector Rodriquez and I am a resident of the State of New Jersey.

2. On January 24, 1992, I executed a seven page affidavit outlining undercover work I performed on behalf of former Immigration Officer Joseph Occhipinti. On October 18, 1991, Officer Occhipinti was unjustly convicted for civil rights violations based upon perjurious testimony by several Dominican merchants, who were portrayed as law abiding. My investigation clearly showed that the majority of the complainants are criminals, continually involved in various crimes, such as drugs, loan sharking, gambling activity, among others.

3. I have conducted additional undercover work since my last affidavit which is described below.

SUPERSTAR RESTAURANT

A. On January 25, 1992, I did undercover work at the "Superstar Restaurant" located at 1049 St. Nicholas Avenue, New York, New York. I wanted to know if drug trafficking activity was taking place at the restaurant because at Officer Occhipinti's trial, employees from Superstar testified that the restaurant was not a known drug location. My

investigation has clearly proven that testimony to be false since the Superstar Restaurant is frequented and used by many drug bosses from the San Francisco De Macoris Drug Cartel. Additionally, its employees participate in many of its drug activities in public view. The basis of this belief are as follows:

B. On January 25, 1992 one of my relatives and I went to the Superstar Restaurant and overheard a conversation between a known drug boss from San Francisco DeMacoris called "Rafi". Participating in the drug conversation was the day manager of Superstar called Pasqual. I also heard him being called "Jose." The conversation was drug related and was tape recorded by myself.

C. On January 25, 1992, my relative and I returned to the Superstar Restaurant. We met a known drug boss from San Francisco De Macoris. I will not identify this drug boss at this time for security reasons. I told the drug boss and Jose we were interested in buying a kilo of cocaine and had a price quote of $22.00 per gram. The drug boss said he could sell a kilogram of cocaine for $21,500 per kilo. Present during the conversation was "Jose", the night manager from the Superstar Restaurant. I told the drug boss I would talk to my people about the deal. He gave me his beeper number and told me to call him on January 26, 1992. In the restaurant there were other drug deals taking place. In fact, I saw a couple of its customers snorting the cocaine right in the restaurant. This conversation was tape recorded. (Exhibit "A")

D. On January 28, 1992, about 8:00 P.M., I returned to Superstar Restaurant and met with Jose the manager and the drug boss. I was given the sample package of cocaine from the drug boss, who confirmed that he had ready for sale one kilogram of cocaine for $21,500. I immediately turned over the cocaine sample to Inside Edition, who turned the cocaine over to the police as evidence. The conversation was monitored and videoed by Inside Edition.

E. It is apparent to me that Superstar Restaurant is a known drug location, where drug deals are made on a daily basis. Also, its employees are active participants in its drug dealing activities. Therefore, if these four witnesses testified to the contrary, they perjured themselves.

CRUCEY GROCERY

A. On January 28, 1992, I went to the Crucey Grocery and was introduced to Altagracia Crucey. Inside the Bodega were Freddy and Guandole, who is discussed in my first affidavit. We began to talk about the planned drug sale in the presence of Altagracia Crucey. I explained that I had gotten a cheaper price for cocaine from another source, however, I wanted to compare their quality. Guandole told me they were going to open up a new kilo package of cocaine and would give me a sample. I agreed. Guandole also wrote down his beeper telephone number, which was held as evidence. The conversation was monitored and videoed by Inside Edition. (Exhibit "B").

UNIVERSE TRAVEL AGENCY

A. On February 10, 1992, I went to the Universe Travel Agency at 102-04 Roosevelt Avenue, Corona, New York and spoke to the owner, Pedro Castillo-Reyes regarding the illegal transfer of drug money to the Dominican Republic. Mr. Castillo-Reyes is believed to be one of the Federation members who set up Officer Occhipinti. I explained to Mr. Castillo that I was a drug dealer from upper Manhattan and was interested in illegal transferring every 9 days, $20,000 in drug money to Santo Domingo. At first, he wanted to know who recommended him and also wanted to see my identification. Once I showed him my identification he explained to me he had to be very cautious because "Federal Agents" were investigating him and things were hot. Mr. Castillo-Reyes said "OK" and promised me that after his first delivery of my drug money, he would introduce me to some of his sources, which he inferred were drug related. Mr. Castillo-Reyes said he would charge me $200.00 to transfer the money. (Exhibit "C")

LIBERATO SUPERMARKET

A. On February 7, 1992, I began my investigation of Jose Liberato who owns two large supermarkets in upper Manhattan. Mr. Liberato is a well known merchant in the Dominican community because he does daily advertising on Spanish T.V. and newspapers. Mr. Liberato was one of the leading witnesses against Officer Occhipinti and is related to Rhadames Liberato and Enrique Checo, who I previously investigated. In order to get background information on Mr. Liberato, I spoke to a major supplier of untaxed Dominican rum, who admitted previously supplying Mr. Liberato with untaxed rum. The source agreed to introduce me to Mr. Liberato. My source confirmed that Jose Liberato owns about eight Bodegas in the community, many of which are registered in the names of other people. The source confirmed the allegations that Mr. Liberato is a major drug boss and loan shark. My source confirms Jose Liberato sells cocaine in large quantities (multi kilo weight). My investigation is still ongoing.

SEA CREST TRADING COMPANY

A. On February 8, 1992, I went to the Associated Supermarket at 2262 Jerome Avenue, Bronx in order to meet with Ricardo Knipping, the owner. Mr. Knipping was the first Bodega owner to make a complaint against Officer Occhipinti as well as testify against him in the Grand Jury. The purpose of my investigation was to verify Mr. Knipping's involvement in loan sharking through a company called "Sea-Crest Trading Company." When I met Ricardo, I made up a story that I was a successful drug dealer, who had saved up $100,000 in cash and was interested in buying a supermarket in New Jersey. I asked Ricardo if he knew anyone who could lend me the balance of $150,000, in order to buy the Bodega. I explained to Ricardo that I couldn't go to a bank since I could not legally prove how I got the $100,000 deposit. In response, Ricardo explained that he is a member of a "federation" who helps Bodega owners borrow money without there being a legal registration of the money. Ricardo told me the interest rate would be 24½ annually. Ricardo told me that in the event Sea Crest Trading did not approve of the Bodega I wanted to buy they could set me up in one of their own supermarkets. During the conversation I also mentioned to Ricardo that I had about $20,000 in stolen food stamps which I intended to launder through the Bodega I wanted to buy. He sounded very interested in it and began asking me a lot of questions. He cautioned me to be very careful since I could lose my license if caught. We concluded our conversation by Ricardo giving me, in his own handwriting, the name of "Pedro Dominguez", telephone 994-6110, who is with Sea Crest Trading Company. Ricardo told me to call next week to make up an appointment, where we all would get together to discuss the loan. The conversation was tape recorded. (Exhibit "D")

B. On February 10, 1992, I went to the Sea Crest Trading Company at 4748 Bronx Boulevard, Bronx, New York and met with Pedro Dominguez. Apparently, Mr. Knipping had already spoke with Pedro because he knew about my case and my interest in borrowing money. I again explained to Pedro the fact I was a drug dealer with $100,000 in drug money interested in investing in a Bodega in Perth Amboy, New Jersey. I told him things were hot in the street, for example, last week I had lost $30,000 on a kilo of cocaine, which I had to throw away in order to avoid being arrested. During our conversation, Pedro removed his coat and took out two guns which he placed in a desk drawer. He called in his partner, an American man, who spoke english with an italian accent. Mr. Dominguez, acted as a translator explained to the owner my situation. The owner told me that he didn't want to lend me the money for a Bodega in Perth Amboy, New Jersey because he had no accounts there. However, he told me there were several Bodegas he could get for me in Newark for the same price. We agreed that we would meet tomorrow at which time he would show me the Bodegas in Newark. Mr. Dominguez gave me his business card which read "Pan American Enterprises." Inside Sea Crest were about 10 employees. I was told that there was a Bodega owner, called Rafael Taveras from upper Manhattan in the lobby who was making his loan payment. There was technical difficulty in tape recording, however, a portion of the conversation was mentioned. (Exhibit "E")

C. On February 11, 1992, I called Pedro Dominguez and canceled the appointment telling him that I had to return to the Dominican Republic because a relative was sick.

UPTOWN TRAVEL SERVICE/REMESAS QUISQUEYANA

A. On February 7, 1992, I went to the Uptown Travel Agency at 3750 Broadway, New York, New York and met with Reymundo Tejeda, the owner. I explained to Reymundo the fact I was a drug dealer interested in sending 20,000 in drug money to the Dominican Republic. He referred me to go to Remesa Quisqueyana and wrote down on a piece of paper the name and address. Reymundo said he could handle that quantity out of his travel agency. Uptown Travel is an agent for Remesas Quisqueyana. The conversation was tape recorded. (Exhibit "F")

B. On February 7, 1992, I went to the Remesas Quisqueyana at 3499 Broadway, New York, New York and spoke to one of it's bosses, "Corporan". I showed him the note Reymundo had given me and told him about my interest in wiring the drug money. Corporan told me he would wire the drug money down in four separate transactions in order to avoid notifying the government. Corporan told me that the charge was $70.00 and that he was able to illegally transfer up to one million dollars recorded. (Exhibit "G")

4. I am willing to assist law enforcement authorities in any further investigation of these violators.

HECTOR RODRIGUEZ.

IN HONOR OF MARTHA GRIFFITHS ON THE 30TH ANNIVERSARY OF HER SPEECH FOR THE INCLUSION OF WOMEN IN THE CIVIL RIGHTS ACT OF 1964

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. FORD of Michigan. Mr. Speaker, I rise today to pay tribute to a person I greatly admire. During her 20 years in the House, Martha Griffiths dedicated her efforts to fighting for equality for women in all aspects of American life—most notably in the workplace.

Martha Griffiths represented the 17th Congressional District of Michigan from 1955 to 1975. Paving the way for women in positions of power, she became the first woman member of the House Ways and Means Committee. Perhaps her greatest accomplishment in Congress came after her persuasive argument for the inclusion of women in the landmark 1964 Civil Rights Act. Battling an overwhelmingly male Congress, Martha's speech convinced her colleagues that true equality in the workplace could not be achieved by side-stepping the issue of gender discrimination. During floor debate, she reasoned that, "a white woman, when she asks for * * * [a] job is turned away, has no recourse, and nobody on earth has to explain for it." Thanks to Martha's determination, the act passed with the amendment creating the foundation for an equal playing field for women.

Martha was not one to compromise on issues of importance. Regarded as the mother of the Federal Equal Rights Amendment—Martha successfully guided this legislation through the House in the 91st Congress. Even though the battle for the Equal Rights Amendment did not end with its adoption, the fight had an empowering affect on many women's lives. ERA galvanized the women's movement—unifying women of diverse backgrounds based on the shared conviction that their rights should no longer be denied on the basis of their sex. Martha's strong leadership on ERA is remembered for its contribution to the movement as a whole as well as the key role she played in gaining its passage in Congress.

I hope that young people who aspire to public office today will look to Martha Griffiths' career as a model for their lives. Her contribution to the Civil Rights Act of 1964 demonstrates the difference one person can make in the lives of over half of the population. In addition, an important lesson can be learned from Martha's work on ERA. In my view, her work for this cause demonstrated that it is better to fight for one's beliefs, even if the goal is not achieved, than to never have attempted to bring about positive change. A battle fought today—win or lose—will undoubtedly pave the road for the success of future reformers. Her recent induction into the National Women's Hall of Fame in Seneca Falls, NY, is a fitting tribute to her work. I am proud to know and to have worked with Martha. She has truly made her mark on the history of this Nation.

INTRODUCTION OF DISASTER TAX RELIEF LEGISLATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BERMAN. Mr. Speaker, I am today introducing legislation that would permit beleaguered disaster victims to deduct 100 percent of their casualty losses when calculating their Federal personal income taxes.

After seeing the destruction caused by the Northridge earthquake and talking with hundreds of its victims, I realized that present tax law is clearly inadequate in disasters of this magnitude. The tax code acknowledges that it is appropriate to deduct uninsured property losses, but the deduction doesn't kick in until losses exceed 10 percent of adjusted gross income.

The bill I am introducing would particularly help middle-class taxpayers who suffer substantial damage, but who earn too much to qualify for Federal grants and now face tens of thousands of dollars in repair bills.

When a household is not otherwise compensated for damage, they should at least be able to deduct it from their income taxes and keep more of their own money to get back on their feet.

This legislation would apply only in cases of federally declared disasters. If an emergency is great enough to cause the President to declare a disaster and determine that assistance from the Federal Government is warranted, then stricken taxpayers surely deserve this break on their Federal income taxes.

Every dollar these taxpayers have to send to Washington is a dollar not spent in their devastated local communities. They could spend that money putting contractors and builders to work—or they could use it in local stores to buy items to replace damaged possessions.

It's both good economic policy and good sense to put every possible dollar to work to help ravaged areas like Los Angeles rebound from disaster. I will be working very hard to pass this important tax relief legislation.

H.R. —

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

SECTION 1. ELIMINATION OF 10-PERCENT FLOOR FOR DISASTER LOSSES.

(a) GENERAL RULE.—Subparagraph (A) of section 165(h)(2) of the Internal Revenue Code of 1986 (relating to net casualty loss allowed only to the extent it exceeds 10 percent of adjusted gross income) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) the amount of the personal casualty gains for the taxable year,

"(ii) the amount of the federally declared disaster losses for the taxable year (or, if lesser, the net casualty loss), plus

"(iii) the portion of the net casualty loss which is not deductible under clause (ii) but only to the extent such portion exceeds 10 percent of the adjusted gross income of the individual."

"For purposes of the preceding sentence the term 'net casualty loss' means the excess of personal casualty losses for the taxable year over personal casualty gains."

(b) FEDERALLY DECLARED DISASTER LOSS DEFINED.—Paragraph (3) of section 165(h) of such Code is amended by adding at the end of the following new subparagraph:

(C) FEDERALLY DECLARED DISASTER LOSS.—The term 'federally declared disaster loss' means any personal casualty loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act."

(c) CLERICAL AMENDMENTS.—The heading for paragraph (2) of section 165(h) of such Code is amended by striking "NET CASUALTY LOSS" and inserting "NET NONDISASTER CASUALTY LOSS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to losses attributable to disasters occurring on or after January 17, 1994, including for purposes of determining the portion of such losses allowable in taxable years ending before such date pursuant to an election under section 165(i) of the Internal Revenue Code of 1986.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 8, UNITED STATES CODE, ALIENS AND NATIONALITY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. BROOKS. Mr. Speaker, today I am introducing a bill to revise and codify without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the Office to prepare and submit to the Committee on the Judiciary of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a copy of the draft committee report, containing reviser's notes and tables, to accompany the bill should contact Edward F. Willett, Jr., Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC 20515–6711.

Persons wishing to comment on the bill should submit those comments to the committee no later than April 15, 1994.

TRIBUTE TO ERVIN "BUTCH" CONRADT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. ROTH. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to Ervin "Butch" Conradt, an outstanding Wisconsinite and a very good

friend. After more than 40 years of exceptional civil service at the town, county, and State level, Butch Conradt continues to find new and positive ways to influence his community.

At the age of 77, Mr. Conradt will likely be elected the next mayor of Seymour, WI. His newest commitment to community service, follows 18 distinguished years in the Wisconsin State Assembly and, most recently, a prominent position as Wisconsin State Commissioner of Transportation.

Born October 14, 1916, in the town of Bovina, WI, Butch Conradt's remarkable career began on a 120-acre farm bought in 1943 for $8,500. After serving as justice of the peace and town supervision for 4 years, Mr. Conradt was elected Bovina town chairman in 1951. He was later re-elected to the post and served as chairman for an additional 29 years. Furthermore, in 1951, he gained a seat on the Outagamie County Board.

In 1964, at the age of 47, Mr. Conradt was elected to fill the Outagamie County Assembly seat in the Wisconsin State Assembly. A man of clear conviction, Assemblyman Conradt often took the floor to speak, and when he did—the assembly listened. The speech Butch Conradt gave on assembly bill 222 was the greatest speech ever given on the Wisconsin State Assembly Floor. In voting against the bill to increase the Wisconsin State sales tax, Mr. Conradt's 20-minute speech brought a round of applause from the assembly floor and the gallery. People from throughout the State capitol building came to listen.

Never a man to shy away from the chance to stand up and make a difference, Assemblyman Conradt served on scores of legislative committees: most notably, the committees on agriculture and nutrition; excise and fees; highways; and the legislative council highway committee, for which he was vice-chairman from 1967–1971.

For Butch Conradt, community service was not just a 9 to 5 job. Butch was a respected member of the Shiocton Lions Club, the Outagamie County Farm Bureau, the unit chairman for the Outagamie Towns Association, as well as the State director for the Wisconsin Towns Association for a 10-year period.

In 1990, Gov. Tommy Thompson appointed the tireless Butch Conradt to the position of commissioner of transportation, which he served until the dissolution of the office on January 1, 1994. While Wisconsin has lost a great commissioner, the town of Seymour will, undoubtedly, gain an exceptional civic leader.

In the words of Butch Conradt, "If you are respondent to the people and don't give them a lot of hogwash, you can serve as long as you like. Honesty—that's the name of the game."

His exemplary record and many years of accomplishments have earned Butch Conradt a reputation for determination, integrity and hard work.

Mr. Speaker, it is an honor and a pleasure for me to pay tribute to Ervin "Butch" Conradt. He is a man of moral character committed to the betterment of his community and a lifetime of tireless service. On behalf of the U.S. Congress and the people of northeast Wisconsin, I wish Butch and his family our fondest wishes and deepest gratitude.

TRIBUTE TO MRS. ROSE MATSUI OCHI

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Mrs. Rose Matsui Ochi on the occasion of her recent retirement from the office of the mayor in Los Angeles. In recognition of her many years of outstanding and distinguished service to the citizens of Los Angeles, Rose was feted at an appreciation dinner in Los Angeles on December 15, 1993. Rose is a remarkable woman who has surmounted innumerable obstacles to become a leader in efforts to advance the cause of social justice and ensure expanded opportunities for the citizens of Los Angeles. It is a personal pleasure to share with my colleagues just a few of her many accomplishments.

Born in Los Angeles on December 15, 1938, Rose is the daughter of Mr. Roy Matsui and Mrs. Grace Matsui, immigrants from Japan. During World War II, Rose spent her formative years with her family in a detention camp for Japanese Americans in Arkansas. Once released from the camp, her family was subjected to the further indignities of deportation proceedings. Eventually, the Matsui family was allowed to stay in the United States, and resumed life in East Los Angeles.

After graduating from high school with honors, Rose attended the Los Angeles Community College, where she received an associate arts degree. She was awarded her bachelor of science degree from the University of California [UCLA] and her master of arts degree from California State University. Fulfilling a childhood dream, Rose became a teacher in East Los Angeles, where she observed first hand the lack of educational opportunities facing her students. Feeling the need to more effectively influence the quality of education, Rose enrolled in the Loyola School of Law to secure the tools necessary to accomplish that goal. She received her juris doctor in June 1972, and passed the California bar in December of that year.

Accepted as a Reginald Heber Smith Fellow upon her graduation from Loyola, Rose worked as a staff attorney for the University of Southern California's Western Center on Law and Poverty. During her tenure with this center, Rose served as co-counsel in the Serrano versus Priest case, which challenged California's state system of school finance.

In 1974, Rose joined Mayor Tom Bradley's administration, and within a year, was promoted to the director of the criminal justice planning office and executive assistant to the mayor. In this capacity, Rose coordinated the administration of justice policy and advised the mayor on criminal justice, drug and legal issues. Rose was instrumental in developing policies and programs that made the Los Angeles city government more responsive to women's and civil rights issues. She drafted the charter to establish the status of women's commissions, created a domestic violence prosecution unit and shelter facilities, implemented hate violence policies, and initiated anti-gang and anti-drug programs. She also served as an advisor to the Los Angeles Police Department, a member of the mayor's task force on gang violence, a participant of the central city association criminal prevention advisory board, and the crime policy speaker for the southern California advisory committee.

Rose is an active member of numerous national and community organizations, including the United Way, Los Angeles 2000 Partnership Ethnic Diversity Task Force, Center for Human Rights and Constitutional Law, the Ethnic Coalition, the Japanese-American Citizens League, and the Immigration and Refugee Policy Forum. She has been a member of the Los Angeles County Bar Association since 1972, and was the first Asian American to serve on its board of trustees.

In addition, Rose is the recipient of the U.S. Department of Justice Distinguished Public Service Award and Certificate of Appreciation, as well as the Los Angeles City Council Domestic Violence Contribution Award. Her works have been recognized by the Los Angeles Unified School District, the Constitutional Rights Foundation, the National Women's Political Caucus, the Human Relations Commission and the Los Angeles Youth Advisory Council. Rose was also appointed to a Presidential Commission on Immigration during President Jimmy Carter's tenure.

In light of Rose's extensive knowledge, experience, and proficiency in criminal justice matters, she has testified before congressional hearings on narcotics, government efficiency and juvenile justice. She also was chosen as a panelist for the national governor's gang conference legislative strategy, and a representative for the law enforcement community leaders' summit. In recognition of her distinguished accomplishments, Rose has been nominated by President Clinton to be the Associate Director, Bureau of State and Local Affairs in the office of the National Drug Central Policy.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in saluting Mrs. Rose Matsui Ochi on her many years of dedicated service to the citizens of Los Angeles. Rose has been an inspiration to those of us who have known and worked with her. I am pleased to join her family, friends, and colleagues in recognizing her service, commitment, and outstanding leadership.

HAROLD E. HUGHES ADDRESSES THE PROBLEM OF SUBSTANCE ABUSE

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 1994

Mr. SMITH of Iowa. Mr. Speaker, all Americans either have or should have become acutely aware of the major problems associ-

ated with the use of, dependency on, and abuse in the use of substances. These problems not only affect our economic and physical health both as individuals and collectively, but also are reflected in a large way in Government expenditures.

A former Governor of Iowa and former Senator from Iowa, Harold E. Hughes, is a recognized expert and leader concerning this subject.

On last Friday, he appeared before the Ways and Means Subcommittee which is holding hearings on proposed legislation dealing with this and other health care subjects. So that those who have access to the CONGRESSIONAL RECORD either directly or in the Nation's libraries may have an opportunity to read this testimony, I am having it printed in the CONGRESSIONAL RECORD.

TESTIMONY OF FORMER SENATOR HAROLD E. HUGHES, FOUNDER AND CHAIRMAN OF SOCIETY OF AMERICANS FOR RECOVERY, BEFORE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HEALTH, HON. PETE STARK, CHAIRMAN, FEBRUARY 4, 1994

Mr. Chairman, I am grateful and honored to appear here today on behalf of the millions of Americans who suffer from addiction disease; on behalf of all Americans, who as taxpayers pay an extraordinary percentage of our income to support untreated addictions; and specifically on behalf of the seven to ten million Americans who today have moved beyond their personal addiction histories and enjoy new life in what we know as recovery.

I am a qualified representative of each of these communities. Many of you are familiar with my story, much of which is public record. I have experienced life at both ends of the spectrum: I was incarcerated in six states for behavior connected with my addiction, and I served six years as Iowa's United States Senator across the Hill here. Next week, I commemorate 40 years of abstinence from my drug of choice, which is alcohol.

We consider here today an opportunity of profound impact on all who suffer from chemical dependency, and all Americans who are touched by the grief, the terror, and the cost of these diseases. We have the opportunity to take the third and most important step in history toward conquering a plague—and demolishing a pernicious myth—that has deformed mankind since the beginning of civilization.

If we as a nation take this step, I will have lived to experience each of these historic steps.

The fist major step was the founding of Alcoholics Anonymous in 1935. The ability of one alcoholic to be in service to another, thereby penetrating the wall of isolation, fear, and denial associated with the alcoholic obsession, generated a new hope for alcoholics and their families.

Alcoholics Anonymous has been called the greatest spiritual movement of the 20th Century. But equally important, the success of this movement has impacted psychology, sociology, and medicine, in broadly promoting the understanding of addiction as a primary, chronic disease, not a bad habit.

In 1970, I was happy and proud to be a channel for our nation to acknowledge for the first time the disease nature of addiction. The Hughes Act established a federal role for attention to alcohol and drug dependency. It also fostered development of treatment and prevention disciplines in the private sector. This was the second great step forward for America and its attitudes toward addiction disease.

The advent of national health care reform offers a unique and timely opportunity for America to make the third and most important step: To face addiction disease as a major public health threat and provide this nation with an appropriate public health response.

The nature, scale, and consequences of untreated addiction in our society can no longer be held at bay by programs driven by social conscience or the politics of "doing good." Instead, we must face hard economic and social realities:

There will be no reductions in our soaring cost of health care until we attend to the nearly $300 billion annual cost we as a society tolerate for the consequences of untreated addiction.[1]

Let me share with you a little of the economics of addiction disease.

While most Americans have ambivalent attitudes—at best—and erroneous or incomplete knowledge of addiction disease, the facts speak bluntly: Untreated addiction disease in America today is a major health disaster. We are the earthquake in the health care scenario.

There are approximately 18 million alcoholics and 6 million drug addicts in the United States today.[2]

Alcohol and drugs are the number-one cause of illness, injury, and death in the United States[3]. Alcohol is a factor in approximately half of all homicides, suicides, and motor vehicle fatalities.[4] Deaths from alcohol-related causes took an average of 28 years from each victim's life.[5] Alcohol abuse and dependence is the most common chronic illness between the ages of 18 and 44; drug abuse and dependence is the second.[6]

From 25 to 40 percent of patients in general hospital beds are being treated for complications of alcoholism. Seventy-five percent of trauma victims test positive for drug use.[7]

The majority of people in our jails and prisons today are drug abusers or addicts. The link between drugs and crime is especially clear: more than 80 percent of all incarcerated people under the age of 35 are illicit drug users,[8] and 61 percent of all federal prisoners are drug offenders.[9] Incarceration alone costs us over $7 billion. All together, alcohol and drug abuse and addiction cost us $43 billion in legal and indirect costs other than health care (see table 1).[10]

Fetal alcohol syndrome affects nearly 2 in every 1,000 American births and as many as 25% of all Native American births. The direct cost of treating these baby victims is about $75 million. Between 350,000 and 625,000 infants are drug-exposed each year. Indirect costs for those infants, including lost worker productivity, will reach $1.4 billion by 1997.[11]

Twenty percent of all AIDS cases in the United States today and 20 percent of the costs to care for those people (about $13 billion in 1991), are the result of intravenous drug use. And that proportion is growing.[12]

These numbers reflect only glimpses of the drain on our society that addiction in America perpetrates. A rational, comprehensive national treatment program is our key to a stable economy, the reduction of health care costs, the return of large segments of our labor force to productivity (and the related decrease in the welfare rolls), the control of crime in our communities, and the elimination of runaway violence.

Footnotes at the end of article.

This is not a job for America to face after we have solved the really big problems of health care, economic growth, and crime. It is a job that must be faced in order to reach our goals of universal health care, sustained economic growth, and safety in our homes, schools, and streets.

As a society, however, we balk at facing these facts. Why this reticence? Why this denial? Why do we Americans prefer to tolerate unbelievable costs, unspeakable behavior, and unconscionable human waste to support the most addicted society on the face of the earth?

To shed some light on these questions, consider the politics surrounding addiction disease.

While alcoholic beverages pre-date recorded history, the invention of distillation in the 14th century made possible increased concentrations of alcohol—from 14 percent to more than 50 percent. The introduction of spirits such as gin, whiskey, and scotch soon caused much higher levels of abuse and alcoholism and the social problems that go along with them.

The stigma often associated with alcoholism was firmly enshrined in 1609 with the first attempt to legislate moderation in drinking. The English Parliament passed in that year an "Act To Repress the Odious and Loathsome Sin of Drunkenness."

TABLE 1.—LEGAL AND INDIRECT COSTS (OTHER THAN HEALTH CARE) DUE TO ALCOHOL AND OTHER DRUG PROBLEMS

[Dollars in millions]

Type of cost	Type of substance abuse	
	Alcohol	Other drugs
Criminal justice system:		
Police protection	$1,338	$5,810
Legal and adjudication	274	1,108
State and Federal prisons	884	2,130
Local jails	1,238	460
Total CJS	3,734	9,508
Drug traffic control:		
Prevention	.....	175
Law enforcement	.....	1,380
Total drug traffic control	.....	1,555
Other legal costs:		
Private legal defense	342	1,381
Property destruction	175	759
Total other legal costs	517	2,140
Other direct costs:		
Motor vehicle accidents	2,584	.....
Fire destruction	457	.....
Social welfare administration	88	6
Total other direct costs	3,129	6
Indirect costs:		
Victims of crime	465	842
Incarceration	2,701	4,434
Crime careers	.....	13,976
Total indirect costs	3,166	19,252
Grand total	10,546	32,461

Source: Rice et al., 1990.

Dr. Benjamin Rush, a signer of the Declaration of Independence and a noted American physician, made a significant medical breakthrough in 1785, though it was not recognized as such at the time. His study led him to the then-radical conclusion that once an "appetite" for spirits had become fixed, the drinker was helpless. He suggested total abstinence as a remedy.

His findings, however, were ignored by the young nation, who continued either to ig-

nore alcoholism or to "treat" it with righteous indignation and punitive measures, while continuing to be puzzled at the lack of results.

The seeds of our current crisis, however, stem from Dr. Rush's experience. Truth will not be denied, although the trail is often treacherous and misleading. The "cure" of abstinence is such a truth.

In 1919, we as a nation adopted the cure of abstinence—not just for those afflicted with alcoholism, but for everyone. The political disaster of this experience does not need to be documented here. But let me rescue two "truths" from this history which in their proper contexts are absolutely necessary in the public policy debate of today.

The first truth is that abstinence is the current best solution for those individuals who suffer from addiction disease. While severe abuse of chemicals can result in addiction, most addiction is traceable to a biogenetic predisposition. Suffering is triggered by consumption of an addictive drug. But the condition is in place, and inherited.

The second truth is that all citizens must participate in solutions to addiction—not by participating in abstinence, but in refusing to tolerate the high costs, unsocial behavior, and archaic ignorance associated with alcoholism and other drug addictions.

The political reality and the factual reality are not in line with each other. But I believe that they are closer than most people think. And, I believe that action by this Congress, based on clear, compelling, and accurate information, can create a lasting solution and hope for our nation.

I believe Americans have assimilated many of the key facts relating to addiction disease. There is great understanding of the simple fact that while millions can safely drink alcohol, approximately ten percent of our population lose any ability to control use of chemical mood changers.

I believe there is a greater climate for the reduction of the stigma associated with addiction, together with an acceptance of intervention techniques and less tolerance for antisocial behaviors resulting from abusive and/or addictive use.

I believe average Americans are beginning to understand wellness. More and more citizens know someone who is recovering from addiction. Just as each practicing alcoholic or addict affects an average of five other individuals, a person living in recovery also affects others in a positive way—demonstrating that wellness is achievable as well as desirable.

I believe American voters are tired of the politics of denial. They will respond to the reality of helping themselves by helping those in addiction.

The President's initiative presents the Congress with a unique opportunity to recraft health care as we know it. This recrafting will be successful to the degree that we are willing to look beyond myths and half-truths to seek solid facts.

One of the most important myths to expose is that treatment for addiction disease is an expensive and ineffective "add-on" to health care that will send taxpayer's costs sky-high. In fact, "cherry picking" by insurers and providers—the selective offloading of people who have pre-existing conditions or who simply change jobs—has obscured the reality that treatment for alcoholism and other drug addiction has been enormously successful and cost-effective. The truth is that once providers are faced with the ultimate costs of untreated diseases of any kind, prevention and early treatment will become immensely popular. This will certainly be true of addiction disease.

Virtually all the literature consistently demonstrates that total health care costs for untreated addicts are significantly higher than for non-addicts, and those costs "ramp up" at an extreme rate as the addict's untreated disease grows more severe. But health care costs and costs to society (for example, legal problems and problems on the job) also decline significantly following treatment of alcoholism, both for the chemically dependent person and for his or her family.

The average cost of alcoholism treatment can be recovered within three years after treatment is initiated, in medical utilization savings for the addict alone. And by four or five years after treatment, health care costs for the treated addict and family fall to lower than the average, and stay there. In other words, the initial costs of treatment are more than offset by the savings in health services not used.

Our opportunity is to look at these facts now and to build a public health response to addiction as we have historically done for polio, heart disease, tuberculosis, and AIDS.

This is not a feel-good or social benefit issue. At this time, and in this climate, we ask for a hard-nosed, resource-based decision making.

What this means is that the benefits package for addiction disease cannot be the minimum level of care for today's symptoms and behaviors. We must have a benefits package that takes into account the life-long implications of untreated addiction, the expensive deaths most of these lives entail, and the proven savings in general health care utilization that occur with high-impact, life-changing strategies for prevention, intervention, and treatment.

The President's plan, though imaginative and clearly intent on broad and thorough coverage, fails to get over the barrier of fallacious actuarial considerations. The results are penny wise, but pound foolish. The most conservative studies indicate that for every $1 spent for the direct treatment of addiction, society saves nearly $10 in health care costs, crime, accidents, and job performance.[13]

A government that short-changes substance abuse treatment and prevention is not serious about reducing health care costs.

A government that short-changes substance abuse treatment and prevention is not serious about reducing crime.

A government that short-changes substance abuse treatment and prevention loses our best shot at significant and long-term economic growth.

To meet the opportunity I present today, Congress must pass health care reform which recognizes the relationship between addiction treatment and the prevention of later heart disease, liver collapse, accidents, crime, and a host of other tragic and costly outcomes. I offer you today some benchmark provisions that make that distinction. Without these provisions, we fail to connect care with ultimate savings. Without these provisions, we muddle along with band-aid cures but not substantial inroads into the 80 percent of our population who generate the costs but will not voluntarily look for a new way of life.

Here are the specific recommendations to strengthen the substance abuse benefit in the Health Security Act S. 1757/H.R. 3600:

1. Separate the substance abuse benefit from the mental health benefit. These are separate health issues and their treatment—and the cost of that treatment—is distinctly different. Pitting these disciplines against each other for use of benefit provisions is not in the interest of the patient.

2. Establish standard requirements for treatment, removing stipulations that currently leave plan managers free to determine eligibility. Establish standard eligibility criteria according to current standard diagnosis and functional impairment criteria.

3. Legislate a minimum benefit for substance abuse treatment that is guaranteed to be available to those who meet eligibility criteria. We recommend such a minimum to be consistent with most current health insurance and managed care health plans, i.e., 10 hours' assessment and intervention services; Detoxification as indicated by acute intoxication and/or withdrawal potential; 30 days' residential or inpatient rehabilitation (45 for adolescents); 130 hours outpatient treatment and/or aftercare. If the scope of a national health care plan is to include prevention and long-term care traditionally funded through public sector block grants, we recommend that all limits on benefits be eliminated.

4. Treatment should be reimbursed on the level of care (i.e., inpatient, acute care, residential, outpatient) rather than on the setting.

5. Maintain funding for the Substance Abuse Block Grant and other federal programs and require states to maintain their investment in alcohol and other drug treatment. Public and private systems can be successfully integrated only when (1) universal coverage is achieved and (2) quality and outcomes data—not just costs—drive managed care decisions.

6. Eliminate cost sharing for alcohol and other drug treatment services or establish a sliding fee scale for the cost sharing requirement. Make any and all cost-sharing, co-pay, and deductible issues comparable to other diseases. Discriminatory practices to limit access under the argument that savings are achieved cannot be permitted.

7. Use the same utilization review and pretreatment authorization procedures for all services and replace the arbitrary substance abuse standards to be decided by each health plan with standard criteria, such as the Patient Placement Criteria for psychoactive Substance Abuse Disorders published by the American Society of Addiction Medicine. Without standard criteria, no comparison or study can be valid.

8. Specify uniform standards for assessment, patient satisfaction, and treatment outcome studies.

9. Require all substance abuse treatment and case management decisions, including precertification screening and utilization review, to be made by professionals who are licensed or certified in alcohol and other drug treatment.

10. Designate community-based alcohol and other drug programs as essential providers.

11. Allow for treatment outside the local health alliance at Centers of Excellence to ensure competition on the basis of quality and cost.

These are not expensive provisions. The actuarial information being used to suggest cutting addiction disease benefits is based on the potential of all current alcoholics and drug addicts using these benefits this year. We should be so lucky. Sadly, less than 1 percent of those eligible for treatment through insurance or Medicaid actually seek medical help.[14] If that number rose to even 30 percent, the positive financial impact on America would be tremendous.

So don't be put off by these misleading projections.

Act instead for a stigma-free, recovery-oriented society.

The actions we propose will save billions of dollars. It will make genuine health care cost containment achievable in this century.

It will also save lives. Millions of lives.

And it will recover our nation's collective ability to discover and seek the best in our people. We can move beyond survival. We can contemplate renewal. Of individuals. Of communities. Of nations. Of civilizations.

It is not too much to ask that we do the things which make good business sense and at the same time ensure the greatness of our country.

FOOTNOTES

[1] James W. Langenbucher, Barbara S. McCrady, John Brick, and Richard Esterly. "Socioeconomic Evaluations of Addictions Treatment." Piscataway, NJ: Center of Alcohol Studies, Rutgers University 1993. Prepared at the request of the President's Commission on Model State Drug Laws.

[2] Center on Addiction and Substance Abuse (CASA) and the Brown University Center for Alcohol and Addiction Studies (CAAS). Recommendations on Substance Abuse Coverage and Health Care Reform. New York: Center on Addiction and Substance Abuse at Columbia University, 1993.

[3] Langenbucher, et al., 1993.

[4] American Medical Association. Factors Contributing to the Health Care Cost Problem. Chicago, IL. American Medical Association, 1993.

[5] Langenbucher, et al., 1993.

[6] Judy Ann Bigby, William Butynski, et al. Statement to the President's Task Force on National Health Care Reform; Alcohol, Nicotine, and Other Drug Problems. April 2, 1993.

[7] AMA, 1993.

[8] Bureau of Justice Statistics. "Survey of Youth in Custody." NCJ-113365 1987; and "1989 Survey of Jail Inmates," and "1986 Survey of State Prison Inmates," unpublished analyses.

[9] U.S. Bureau of Prisons. "Special Analysis." February 1, 1994.

[10] Dorothy P. Rice, Sander Kelman, Leonard S. Miller, and Sarah Dunmeyer. The Economic Costs of Alcohol Abuse and Mental Illness: 1985. Washington, DC: U.S. Government Printing Office, 1990.

[11] Langenbucher, et al., 1993.

[12] Ibid.

[13] Ibid.

[14] Ibid.